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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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This Issue in Brief

Estimates of Drug Use in Intensive Supervision Probationers: Results from a Pilot Study.—Authors Eric D. Wish, Mary Cuadrado, and John A. Martorana present findings from a pilot study of drug use in probationers in the New York City Intensive Supervision Probation (ISP) Program, a study prompted by ISP staff need for on-site urine testing of ISP probationers. Confidential research interviews were conducted with 106 probationers in the Brooklyn ISP program, 71 percent of whom provided a urine specimen for analysis. The urine tests indicated a level of drug use strikingly higher than the level estimated by probation officers, who depended upon the probationers to tell them about their drug use. The authors contend that the costs of reincarcering drug abusers who fail probation are substantial when compared with the costs of a urine testing program. They conclude that ISP programs, with their small caseloads and emphasis on community supervision, provide a special opportunity for adopting systematic urine testing and for learning how best to intervene with drug abusing offenders.

Felony Probation and Recidivism: Replication and Response.—As a result of the Rand report on felony probation in California, probation supervision is attracting close attention. In the present study, author Gennaro F. Vito examines the recidivism rates of 317 felony probationers from three judicial districts in Kentucky and makes some direct comparisons to the Rand report. The general conclusion that felony probation supervision appears to be relatively effective in controlling recidivism rates is tempered by the limitations of both studies. The author stresses the need to closely examine the purpose and goals of probation supervision.

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Probation: An Exploration in Meaning.—After reviewing various conflicting attempts to define the nature of probation, author Richard Gray looks to the writings of John Augustus and current appellate decisions to find probation defined as a nonsanction from its inception. Further investigation reveals that probation, defined as a legislative grace, has ample room for rehabilitation, enforcement, and other subdivisions of the probation task.

The Butner Research Projects: The First 10 Years.—The Federal Correctional Institution at Butner, North Carolina—report authors Craig T. Love, Jane G. Allgood, and F. P. Sam Samples—has completed its first research mission of evaluating a model of imprisonment proposed by Professor Norval Morris. The model emphasizes a positive environment in which inmates are allowed to volunteer for programs, to preserve much of their individuality, and to live in a humane environment. The authors explain that Professor Morris specified the conditions and research design in which the model would be tested. It was to be an experimental design with some of the most difficult inmates as subjects and an independent research team conducting the evaluation. The major specifications were met, and the results reported by a University of North Carolina research team suggested that: the institution was perceived by staff and inmates as being positive; there was more active program participation by Butner research inmates; and a safer environment was provided for both staff and inmates. The followup data suggested no marked differences between experimental and control inmates. Implications of the study for correctional practice are discussed.

Prison Officer Training in the United States: The Legacy of Jessie O. Stutsman.—In 1930, under the direction of Sanford Bates and the newly formed Bureau of Prisons, Jessie O. Stutsman was asked to organize the first formal pre-service training school for Federal prison officers. Influenced by Hastings Hart as well as the establishment of a British training school in 1925, Stutsman developed a 3-month course of study covering a wide spectrum of both theoretical and practical topics. Based on a review of Stutsman's original lecture notes, personal correspondence, and government documents relating to the school's development, author Thomas Schade analyses the philosophy and resulting curriculum in historical perspective.

Addressing the Social Needs of Families of Prisoners: A Tool for Inmate Rehabilitation.—While inmates serve their prison terms, their families begin a sentence as well—of physical, social, and psychological hardship. Authors James D. Jorgensen, Santos H. Hernandez, and Robert C. Warren discuss the social, economic, and behavioral effects on families when a parent is incarcerated. The authors point out that although a positive relationship exists between parole success and the inmate's maintenance of strong family ties while in prison, the inmate's family very often has minimal resources to draw upon for help in handling the crisis of incarceration. The article focuses on the special difficulties which surface when a mother is incarcerated, notes the ways in which programs inside and outside of prisons are addressing the problems at hand, and concludes with suggestions for future steps.

Victim/Offender Mediation: A National Survey.—During the past decade, a growing number of communities have initiated programs providing victim/offender mediation and reconciliation services. These local efforts, many of which are called Victim Offender Reconciliation Programs (VORPs), represent some of the few community correctional programs that work jointly with victims and offenders. Employing both conflict resolution and restitution techniques, these programs give victims and offenders the opportunity to confront each other in the presence of a trained mediator. Victims are able to ask many lingering questions and to let the offenders know how they felt about their behavior. Offenders are held personally accountable for their actions and are able to take responsibility for repairing some of the damage caused by their criminal behavior. In this article, author Mark S. Umbreit provides data from a nationwide survey conducted by the National Victim Offender Reconciliation Resource Center of the PACT Institute of Justice in northern Indiana, and includes highlights of four specific programs.

A Quick Measure of Mental Deficiency Among Adult Offenders.—Two tests, which are used as quick measures of intellectual level, were validated in comparison to the Wechsler Adult Intelligence Scale (WAIS) by using all three instruments with an adult offender population. Authors Gordon H. Doss, David W. Head, J. Vernon Blackburn, and James M. Robertson found that these two tests (the Ammons Quick Test and the Kent E-G-Y Test) correlated highly with the WAIS. According to the authors, the accuracy, speed of administration, and economy of these instruments seem to have implications for pretrial services officers and probation officers in the classification and rehabilitation of adult offenders with mental deficiency.

The Psychological Deficits and Treatment Needs of Chronic Criminality.—Author Gary Field describes and presents a model for understanding the dynamics of chronic criminality. Specific criminals have an array of values, backgrounds, disorders, deficits and motivations. According to the author, however, people chronically involved with crime seem to share certain characteristics: excessive need for

stimulation, low frustration tolerance, rigid thinking, comparmentalized thinking, and an inability to process affect. The model for understanding chronic criminality consists of describing these deficits, their relationship to one another, their effects in a social context, and requisite treatment needs. The model is consistent with the position that some recidivist criminals have a reasonable chance for rehabilitation and some do not. This model also suggests that treatment interventions need to be broad-based and intensive to account for the range and depth of the deficits associated with chronic criminality.

Probation Officer Job Analysis: Rural-Urban Differences.—Authors Lori L. Colley, Robert G. Culbertson, and Edward Latessa examine how the jobs of probation officers in rural and urban settings differ. The article, reporting on the results of a comprehensive adult probation officer job analysis, is based on a research project which was designed to provide a job analytic data base to guide the development of new and innovative training programs. Task and skill indexes were administered to a random sample of 240 probation officers. Results indicated, among other things, that urban officers perform specialized roles, whereas rural officers perform more generalized ones. Even though functions were found to be different, background characteristics of the officers were similar.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

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Estimates of Drug Use in Intensive Supervision Probationers: Results from a Pilot Study

BY ERIC D. WISH, PH.D., MARY CUADRADO, and JOHN A. MARTORANA*

Introduction

Background

This article presents the findings from a pilot study designed to estimate the prevalence of illicit drug use in probationers assigned to the New York City Intensive Supervision Probation Program (ISP) in Brooklyn. Our prior research on persons processed in Manhattan Central Booking has documented a high level of recent drug use in arrestees (Wish et al. 1986). Over 55 percent of male and 60 percent of female arrestees (in 1984-85) were found to have urinalysis test positive for one or more drugs [opiates (heroin), cocaine, PCP, or methadone]. And arrestees positive for these drugs had more rearrests and poorer pretrial behavior than arrestees who had clean urines. In fact, arrestees detected to be drug users *at arrest* and later assigned to probation had more postsentence arrests than nonusers assigned to probation. It seemed probable that a urine specimen obtained after the person had been assigned to probation would serve as an even better indicator of drug use and criminal behavior while on probation.

At about the time that we were completing our study of arrestees, the project director of the ISP program in New York City notified us of his interest in pursuing some form of urine testing of ISP probationers. His staff members suspected that many of their probationers were abusing illicit drugs and believed that on-site urine testing could be useful for identifying drug-involved probationers. The urine test results were seen as a way to "break the ice" with resistant probationers about their drug abuse so that the probation officer could initiate discussions regarding treatment and rehabilitation. Probationers who failed treatment repeatedly and continued to abuse drugs might be referred back to the court for further action. Urine testing seemed especially feasible for adoption in the ISP program because the caseloads are kept small enough to enable the probation officer to closely monitor each probationer's progress. Based upon our mutual interest in this topic, and with the support of Thomas L. Jacobs, the Commissioner of Probation, the researchers and the ISP staff agreed to cooperate in conducting the pilot study. It was agreed that the information obtained would be retained by the researchers and that no individually identifiable results would be reported to the department.

Objectives

The pilot study had several objectives. First, it would permit us to estimate the level and type of drug use that one would expect to find if an on-site testing program were subsequently established. The information from the pilot study could be used to plan for the number of staff members and resources required to institute a program. The study would also enable us to learn whether urine testing of probationers would result in the identification of more

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The authors wish to make the following acknowledgements: Many persons made this project possible. Julio Martinez, President of Narcotic and Drug Research, Inc., has given his continuous support for all of our research on drug abuse and crime. Thomas L. Jacobs, the Commissioner of the New York City Department of Probation, approved our conducting the study. James K. Stewart, Director of the National Institute of Justice, has enthusiastically sponsored this and other related research. Thomas E. Slade, the First Deputy Commissioner, supported both our original research on arrestees when he was affiliated with the New York City Police Department and the present study of probationers. Robert J. Carney, Assistant Commissioner for New York City Probation was our initial contact with the department and alerted us to the staff's interest in urine testing of probationers. The staff members of the Intensive Supervision Probation Program in Brooklyn were enthusiastic supporters of the research and cooperated fully with our many requests for data. Paul Simons skillfully conducted the interviews. Finally, we owe a debt of gratitude to the 106 probationers who voluntarily told us about their drug use and provided a urine specimen. It is our sincere desire that the findings from this pilot study will be used to plan effective measures for enabling them to reduce their drug abuse and crime.

drug-involved probationers than were already known to the probation officers through their usual sources of information. Finally, all of the information obtained from the study could be used by the Department of Probation to document the need for urine testing and to garner the support of the appropriate funding agencies.

Second, the pilot study would enable us to examine whether the recent increase in cocaine use reported in New York City was reflected in the offender population. In the 2 years since we had obtained urine specimens from almost 5,000 arrestees processed in Manhattan Central Booking in 1984, a new form of processed cocaine, called crack, became widely available in New York City. Crack can be smoked to obtain a short-acting intense high. It is considered to be highly dependence-producing. Even before crack became available in New York, cocaine was the most prevalent drug detected in the arrestees tested in 1984 (found in 42 percent). The pilot study could provide us with estimates of how much more prevalent cocaine may have become in the offender population. We included questions in the pilot study that focused upon the probationer's use of crack.

A third objective of the pilot study was to determine whether it was feasible to administer a computerized interview with probationers. We thought that if it worked well, computerized interviews might eventually be used by the criminal justice system to increase efficiency and reduce the cost of information collection and storage. During the past few years telephone surveys have been increasingly likely to be conducted using a computerized interview. The interviewer reads the interview questions from a computer terminal and enters the respondent's answers directly into the computer. There are several advantages to this technology. The computer automatically follows the programmed logic to select questions in the specified order. If a subsequent question depends on the response to a prior question, the computer proceeds automatically to the correct question. This prevents a common source of interviewer error. The computer can also be programmed to reject answers that are out of a specified range and to stop the interview if a required response is missing. Finally, because the interviewer is entering the information directly into the computer, there are no additional data preparation or data entry costs. Computerized interviews also save time because the information can be analyzed immediately to provide preliminary trend information. Of particular interest to us was the possibility that computerized interviews may increase the interest of respondents in the interview. As part of this pilot study, a generalizable computerized interview program was purchased (Ci2), along with a portable microcomputer. The next section describes the procedures used in the pilot study.

Procedure

Brooklyn ISP Program

Although there are ISP programs in all five boroughs of New York, we chose to conduct our study in Brooklyn because it has the largest program, with almost 250 probationers. Regardless of where in New York a person is arrested, persons sentenced to probation are assigned to the probation office in the borough where they live. Thus ISP probationers in the Brooklyn program would not be limited to persons arrested in Brooklyn. We left open the possibility of collecting data from another borough, based upon the results from Brooklyn. (The findings from Brooklyn were so unequivocal that we decided not to enter another borough.)

In 1978, the New York State Legislature funded the ISP program for New York City and 25 counties (The Intensive Supervision Program: A Process Evaluation 1982). The New York State Division of Probation and Alternative Services continues to administer the ISP programs. The New York City Department of Probation operates the program in accordance with state guidelines on a contractual basis. Its purpose is to use a planned intervention strategy in order to ensure that those most likely to fail on probation successfully complete their sentences. With few exceptions, persons convicted of a misdemeanor or a felony offense are investigated by the Investigation Branch of the Department of Probation. A presentence investigation report (PSI), containing background information that may be pertinent to the judge in passing sentence and a sentence recommendation, is prepared for the court. ISP staff members review all recommendations to make a determination if the person is eligible for ISP. The level of supervision is assigned based on an eight-item risk scale, specified below:

Item	Points
Incarcerated while on prior probation or on parole	24
Prior conviction/adjudication for robbery	20
An attitude that rationalizes behavior, not motivated to change, or is dependent or unwilling to accept responsibility	19
19-years-old or less at time of first conviction or adjudication	12
Currently living in situation judged to be unfavorable	8
Prior arrest within 5 years of current offense	6
One or more address changes in year prior to current offense	6
Neither currently employed or in school full time	4
TOTAL POSSIBLE POINTS:	99

Persons with a total score above 51 are eligible for intensive supervision. ISP accepts into the program persons who have been sentenced to felony probation and who are above the cut-off on the point scale,

although the program can reject a qualifying person if the caseload is too heavy. In addition, up to 25 percent of the ISP probationers are ASP cases (alternative to state prison). These are persons the judge has ordered into the ISP program in lieu of a prison sentence. (Plans are currently under way to expand the ISP program to include a greater number of ASP cases.)

Data Collection

Interviewers. Narcotic and Drug Research, Inc. (NDRI) research staff members were assigned to conduct the interviews. Almost all interviews were administered by a graduate of a forensic sciences program with prior computer and social science training. This person was at ease talking with probationers and received special training in administering the interview and the informed consent procedures. Several interviews with female probationers were conducted by NDRI female research staff members with extensive experience interviewing arrestees and obtaining urine specimens.

Orientation of ISP staff. Several days before beginning data collection, the researchers conducted a meeting with the Brooklyn ISP staff. The purposes of the research were reviewed as well as the general procedures. The probation officers were asked to bring each probationer to the research assistant at the end of his or her scheduled appointment. The probation officer was asked not to discuss with the probationer the nature of the research or whether the probationer participated. Most of the ISP staff members were enthusiastic about the research because many of them remembered how useful urine testing had been when it was more available to them in the 1970's. At the end of the meeting the researchers handed out a rating form to be completed by each probation officer and turned in before the study began. This form asked the probation officer to indicate for each of his or her assigned probationers whether the person had a history of drug or alcohol use. They were instructed not to guess, but to indicate use only if they had some source of information regarding drug involvement. This information would be compared later with the urine test results to ascertain whether the testing would identify more drug users than were already known to the probation officers from the usual sources.

Administration of interview. The NDRI research assistant was stationed on-site over a 5-week period between May and July. Hours were flexible and were varied to reflect probationers' appointments. At the end of the probationer's regular weekly meeting with his or her probation officer, the probation officer escorted the probationer to the private research area assigned to the research assistant. The probation officer was instructed to tell the probationer that the ISP program was cooperating with an independent research organization to conduct a study and that he or she was escorting the probationer to a room to meet the research assistant. No additional information regarding the nature of the research was to be discussed by the probation officer. After the probation officer introduced the probationer to the research assistant, the research assistant administered the informed consent procedures. The research assistant informed each probationer of the following:

> NDRI is an independent nonprofit research firm that is conducting a research project to assess the number of probationers who are using drugs. He or she is being asked to participate in a short interview about prior drug use and treatment. The interview is confidential and only an ID number, not the person's name, will appear on the interview form. The results will be combined with those from other probationers to prepare an overall report of the findings. The researchers may compare the information provided to other information in the person's probation or criminal records. All information collected by the researchers is protected from subpoena and use in civil or criminal court proceedings by a Federal Certificate of Confidentiality. Participation is voluntary and a refusal to participate or answer certain questions will not be reported to the probation officer and will not affect his or her case.

If the probationer agreed to the interview, the research assistant asked him or her to sign the consent form indicating consent to the interview and proceeded to administer the interview. The research assistant administered the computerized interview using a portable microcomputer. If the probationer chose not to participate, the research assistant terminated the meeting and left the office.

Obtaining a urine specimen. After the interview was completed, the research assistant explained the need for a urine specimen that would be sent to a laboratory for analysis. The probationer was told that providing the urine specimen was voluntary, that the specimen would not be labeled with the probationer's name, and that the probation officer and the Department of Probation would not receive the person's test results. The research assistant also indicated that the results of the test or the probationer's refusal to provide a specimen would in no way affect his or her status on probation. If the probationer agreed to provide a specimen, the research assistant escorted the probationer to the restroom to collect a urine specimen. The containers holding the urine were labeled only with an ID number. After obtaining the specimen, the research assistant recorded that a specimen had been obtained and terminated the meeting with the probationer. If the probationer refused or could not provide a specimen, the research session was terminated.

Completed consent forms as well as diskettes containing the completed interviews were returned to NDRI research offices for safe storage and processing. The urine specimens were picked up weekly and delivered to the New York State Testing Laboratory

in Brooklyn. All specimens were tested for opiates, cocaine, PCP, methadone, and marijuana using the Emit system. A thin layer chromatography (TLC) general screen for approximately 15 substances was also conducted, although our prior research has shown lesser sensitivity of the TLC screen for detecting recent use of street quality illicit drugs (Wish et al. 1985).

Findings

The findings are organized into several sections, by topic. First, we shall describe the percentage of all ISP probationers in Brooklyn who were interviewed and who provided a urine specimen, in order to provide an indication of to whom our findings apply. We will then compare interviewed persons who provided a specimen with those who did not, with respect to a variety of background characteristics, conviction charge, and self-reports of drug use. If persons who provided a specimen differ systematically from those who did not, our estimates of drug use from the urinalyses may be applicable primarily to the types of persons who provided specimens. The next section will present the estimates of drug use based upon the urinalyses, compared with the estimates based upon the same person's self-reports. In the following section we will compare the estimates of drug use based upon three sources: probationers' self-reports, the urinalyses, and their probation officers' ratings. Next, in order to gain an indication of whether drug use patterns changed in the 2 years since we last studied arrestees, we will compare the estimates of drug use obtained from young arrestees (age 16 to 20) in 1984 who were eventually sentenced to probation with the estimates obtained from similarly aged probationers in the pilot study. We will conclude with a discussion of the use of the computerized interview.

1. Sample characteristics and response rates

At the beginning of the study, we obtained a list of the probationers assigned to each of the 11 probation officers. As the study progressed, this list was updated to reflect changes in the caseload. There were 160 probationers active in the Brooklyn ISP program while we were there. This does not include 121 persons assigned to the program who were not available, however, because of abscondence, return to jail, pending violation, transfer, or hospitalization. Table 1 shows how many of the 160 active probationers participated in the study. The research assistant met with 117 or 72 percent of the 160 active cases. The research assistant was available at all of the primary reporting times and was stationed in a location where it was possible to verify that probation officers were bringing their cases to him after their appointments. By the end of the study, it became clear that all of the regular reporters had been approached by the research assistant. The 43 persons on the active caseload who were not approached during the study were primarily persons who repeatedly missed their appointments, many of whom presumably would be reclassified as absconders.

TABLE 1. PARTICIPATION OF ISP PROBATIONERS IN THE PILOT STUDY

Active caseload	160	
Of the 160 active, total approached for interview	117	72%
Of 117 persons approached, completed interview	106*	91%
Of 106 persons interviewed, provided specimen	75	71%

*Excludes 2 persons erroneously terminated by interviewer.

The research assistant completed an interview with 106 persons, 91 percent of all of the 117 probationers brought to him. (The percentage of persons agreeing to an interview would be 92 percent had the interviewer not erroneously terminated the interviews with two persons whom he believed were too young for the study.) Of these 106, 71 percent provided a urine specimen for analysis. The interview compliance rates are close to those found in our earlier study of arrestees (95 percent of the arrestees agreed to be interviewed). However, the percentage of interviewees who provided a urine specimen is lower than the 84 percent obtained with the arrestees. One likely reason for the lower compliance rates may be the probationers' perceived risk of being violated if they were detected to be using illicit drugs, in spite of our statements assuring each person of the confidentiality of the research information. **Probation officers have the right to order urine specimens from probationers. These results suggest that if an operational urine testing program were to be set up by the Department of Probation, it should not rely on voluntary submission of urine specimens.**

Although we successfully interviewed most of the persons that the research assistant met with, we noted above that 121 persons were not active and available. Our sample therefore represents the group of probationers who remained active in the program and who regularly kept their appointments with their probation officer. Since we know that drug abusers are unstable and more likely to recidivate and to abscond from court, we can assume that many of the persons not in our sample were drug abusers. Furthermore, some of the inactive persons were currently

enrolled in inpatient drug abuse programs. For these reasons, our estimates of drug use are conservative and probably underestimate the true level of drug use in all probationers assigned to the ISP program. The next section describes the characteristics of the persons whom we interviewed.

2. Do persons who provided a specimen differ from those who did not?

Background characteristics

In conducting research where the provision of a urine specimen is voluntary, there are always some persons who refuse outright and others who make unsuccessful (often repeated) attempts to comply. It is difficult in these situations to distinguish the "couldn't provide" persons who really wanted to cooperate from those who were only feigning a willingness to comply. In our analyses we have therefore combined persons who refused with those who could not provide. Table 2 compares the background characteristics of the 75 interviewed probationers who provided a urine specimen with the 31 who did not. Because most of the persons in the ISP program are males, we concentrated on obtaining male probationers and stationed female research assistants in the program for only a short time. Almost all (96 percent) of the persons we interviewed were males. The majority of the sample members were black (65 percent) or Hispanic (25 percent). Ethnicity was not related to whether a person provided a specimen.

TABLE 2. BACKGROUND CHARACTERISTICS OF SAMPLE MEMBERS, BY INFORMATION OBTAINED

	Interviewed, No Urine (N = 31)	Interviewed and a Urine Obtained (N = 75)	Total (N = 106)
Males	97%	96%	96%
Ethnicity			
Black	58	68	65
Hispanic	29	23	25
White/Other	13	9	10
	100%	100%	100%
Age*			
16-18	19	37	32
19-21	39	33	35
22 +	42	30	33
	100%	100%	100%
Highest Education Completed			
9th Grade or Less	19	32	28
10th-11th	61	61	61
12th or More	20	7	11
	100%	100%	100%
Single	74%	80%	78%
Employment			
Unemployed	45	36	39
Employed Full-time	32	29	30
Employed Part-time/Odd Jobs	16	17	17
In School	3	13	10
Other	4	5	4
	100%	100%	100%

*Includes two 15-year-olds adjudicated as adults under Juvenile Offender Act.

The probationers in the sample were young; 67 percent were below age 22. Persons who provided a specimen were somewhat different from those who did not, however. Forty-two percent of those who did not provide a specimen were 22 or older, compared with 29 percent of those who did. We also found that 82 percent of the persons age 15-18 provided a specimen, compared with 65 percent of those 19 or older (the age difference was not statistically significant at the .05 level, primarily because of the small number of cases and reduced power of the statistical test). Persons who did not provide a specimen had more years of education than the providers. Some of this difference may have been accounted for by the fact that those who provided were younger, and 13 percent were still in school. Between 36 percent and 45 percent of the probationers in each group were unemployed at the time of the interview and most (78 percent) had never been married.

The fact that the older probationers were less likely to give a specimen has some possible implications for the estimates of hard drug use derived from our sample. While cocaine and PCP tend to be found in arrestees age 21 or younger, little opiate or methadone use is found in this age group (Wish et al. 1986). Thus, the older probationers who were more likely to be using heroin may have escaped detection by refusing to provide a specimen. Furthermore, we know from our prior research that arrestees who did not provide a urine specimen had rearrest histories that were as extensive as those of persons who provided a urine and who were positive for multiple drugs. These findings provide an additional indication that our sample of probationers who provided a urine will yield low estimates of drug use. We return to this issue below.

Self-reported conviction charge

Table 3 shows the charge for which each probationer said he or she had been convicted and placed on probation. It is clear that ISP probationers have

been convicted of serious offenses. Robbery was the most frequent conviction charge for the sample, reported by 42 percent. (Normally, persons convicted of robbery are ineligible for probation. However, the ISP probationers are young and have received Youthful Offender status and sentences of probation, in accordance with state law.) The next most frequent offense was the sale of drugs (15 percent), followed by burglary (12 percent). Weapons offenses and assault were the remaining two offenses, each found in 7 percent. The "other" category in table 3 is composed of a variety of offenses, none of which was reported by more than 3 percent of the probationers. All of the offenses in table 3, with the exception of assault, tend to be associated with drug use in arrestees and suggest that there are many drug users in the ISP population. There were no statistically significant differences in the charges for persons who provided a urine and those who did not. However, the finding that drug offenses were somewhat more prevalent among the persons who did not provide a urine is consistent with our inference, noted above, that hard drug-involved probationers were less likely to provide a urine specimen.

TABLE 3. SELF-REPORTED CONVICTION CHARGES FOR PROBATIONERS WHO DID OR DID NOT PROVIDE A SPECIMEN

	Interviewed, No Urine (N = 31)	Interviewed and a Urine Obtained (N = 75)	Total (N = 106)
Charge			
Robbery	35	45	42
Drug Sale	23	12	15
Burglary	10	13	12
Weapons	0	9	7
Assault	10	5	7
Other	22	16	17
	100%	100%	100%

Self-reported drug use

Table 4 presents the level of lifetime and recent drug use reported by the probationers. It is clear that ISP probationers have extensive histories of drug use. Almost all (90 percent) indicated having used marijuana, and about one-half (52 percent) admitted to cocaine use. Approximately one-fifth had used heroin or PCP, and a small minority had some experience using illicit (11 percent) or licit (9 percent) methadone. About one-fourth volunteered that they had used other drugs, including mescaline, amphetamines, and methaqualone. Furthermore, their drug use began early. More than one-half of the marijuana users first used it by age 15. Onset of cocaine use was later, with one-half of the users trying the drug by age 17. Approximately 10 percent reported having been dependent on alcohol, heroin, cocaine, or marijuana. Two percent or fewer of the probationers indicated any dependence on methadone or PCP. Twenty percent indicated a past history of drug or alcohol treatment, and 10 percent indicated a current need for treatment.

In addition to demonstrating considerable exposure to illicit drugs among ISP probationers, the

TABLE 4. SELF-REPORTED DRUG USE OF PROBATIONERS WHO DID OR DID NOT PROVIDE A URINE SPECIMEN

	Interviewed, No Urine (N = 31)	Interviewed Urine Obtained (N = 75)	Total (N = 106)
Ever Used			
Alcohol	94%	95%	94%
Marijuana	97%	87%	90%
Cocaine	61%	48%	52%
Heroin	36%*	12%*	19%
PCP	26%	17%	20%
Illicit Methadone	23%*	7%*	11%
Prescribed Methadone	16%*	1%*	6%
Other Drugs	32%	23%	26%
Ever Dependent On			
Heroin	26%**	5%**	11%
Alcohol	13%	11%	11%
Marijuana	10%	9%	9%
Cocaine	7%	9%	9%
Has Injected Drugs	26%**	5%**	11%
Ever Received Drug/Alcohol Treatment	29%	13%	18%
Needs Treatment Now	19%	7%	10%
Used in Last 24-48 Hours			
Alcohol	48%	43%	44%
Marijuana	19%	24%	23%
Cocaine	3%	4%	4%
Heroin	7%	4%	5%
PCP	3%	0	1%
Pr. Methadone	7%	1%	3%

*p. < .05
**p. < .01

findings in table 4 provide further evidence that the most drug-involved probationers did not provide a urine specimen. Lifetime use of cocaine and heroin, and admission to drug abuse treatment, were all greater in the probationers who did not provide a urine specimen. The probationers who did not provide a urine were five times more likely to report injection of drugs or dependence on heroin and twice as likely to have had or currently need treatment than probationers who did provide a specimen.

Their reports of drug use in the 24-48 hours prior to interview were much more similar, however. Few probationers admitted to using any drug other than alcohol (44 percent) or marijuana (23 percent) in the 24-48 hours prior to interview. In our prior research with offenders, we have found that apprehended persons are reticent to admit recent use of drugs, although they may discuss prior use. This is probably because these persons feel that they could be held accountable by the court for their current drug use.

Table 5 shows the extent of cocaine and crack use in the two groups of probationers. Although one-half of the probationers indicated some use of cocaine in their lifetime, only 38 percent of the probationers indicated that they had used crack. It is clear, however, that among persons who had used cocaine at least once, almost one-half (47 percent) took processed (purified) cocaine by smoking or freebasing. Injection of cocaine was rare (14 percent) and found mostly among the probationers who did not provide a urine specimen. The rarity of injection in the ISP probationers, most of whom are young, is consistent with our findings from arrestees indicating that injection occurs in older offenders.

TABLE 5. SELF-REPORTED COCAINE AND CRACK USE IN PROBATIONERS

	Interviewed, No Urine (N = 31)	Interviewed Urine Obtained (N = 75)	Total (N = 106)
Ever Used Cocaine	61%	48%	52%
Ever Used Crack	39%	37%	38%
Among Cocaine Users usually takes cocaine by (N)	(19)	(36)	(55)
Smoking	32%	42%	38%
Snorting	32%	36%	35%
Injecting with heroin	32%	5%	14%
Injecting cocaine only	4%	3%	4%
Freebasing	0	14%	9%
	100%	100%	100%

Comment

The findings presented in this section confirm the probation officers' suspicions that drug abuse was a common problem in their probationers. They also confirm our suspicions that the probationers who did not provide a urine specimen were more likely to be seriously involved with drugs. Persons who provided specimens were younger and reported less extensive abuse of drugs. **Our estimates of drug use based on the urine tests must therefore be considered to be minimum estimates of the extent of drug use in the ISP population.** In the next section, we examine whether the probationers had used drugs in the 24-48 hours prior to interview as infrequently as their self-reports would indicate.

3. Urinalysis-based estimates of recent drug use

Table 6 compares the probationers' self-reports of recent drug use with their urine test results for the 75 persons for whom both types of information were obtained. It is clear that one would greatly underestimate the prevalence of drug use in the probationers had one relied solely upon the probationers' self-disclosures. More than one-half of the tested probationers were positive for marijuana, while only 24 percent had indicated using the drug within the past 2 days. Some of this discrepancy may be caused by the fact that marijuana may be found in the urine weeks after the drug was last taken. However, this is not the case for cocaine. Only 4 percent of the probationers reported using cocaine 24-48 hours prior to interview, while 53 percent were positive by urinalysis. The fact that opiates or methadone were rarely

TABLE 6. ESTIMATES OF RECENT DRUG USE FROM INTERVIEWS AND URINES
(N = 75 probationers with both an interview and a urine specimen)

Drug	Reported Using Drug in Last 24-48 Hours	Found Positive by Urine Test*
Marijuana	24%	56%
Cocaine	4%	53%
Opiates (Heroin)	4%	3%
PCP	0	1%
Methadone	1%	0
Any of above, including Marijuana	25%	68%
Any of above, excluding Marijuana	7%	55%

*Based on Emit tests.

detected in the urines probably reflects our finding that the users of these drugs were unlikely to have provided a urine specimen. Given that one-third (36 percent) of the *probationers who did not provide a specimen* indicated having used heroin, it would be a mistake to conclude from the urine tests that ISP probationers do not use heroin. The inaccuracy of the probationers' self-reports is underscored by our finding that 25 percent admitted to the recent use of any of the five drugs, while 68 percent were positive by urinalysis for at least one. Even when we excluded marijuana from the comparison, we found that the estimate of drug use from the urine tests was almost eight times higher than that from the self-reports (55 percent vs. 7 percent). **If probationers deny their recent drug use in an independent, confidential research interview, we would suspect that they would be even less likely to tell their probation officers, given the possible consequences.** The next section sheds some light on this issue by comparing the estimates of recent drug use derived from our interviews and urine tests with the officers' estimates of drug use by their probationers.

4. Do urine tests identify more drug users than are known to probation officers?

Before we began interviewing probationers, we asked each probation officer to indicate on a rating sheet their opinion of whether their probationers used drugs. They were told that they could go back to client records or the presentence investigation if they wished. They were asked not to guess, but to indicate use if they had reasonable information that this was true. They also indicated for each probationer the type of information on which they based their judgment. The probation officers rated 92 of the 106 persons interviewed; 14 persons entered the ISP program after the officers had rated their caseloads. Seventy-one of the 92 persons were rated by the probation officers as having used alcohol or a drug at sometime in their lives. The sources used by the probation officers to indicate drug use for these 71 persons are presented below:

SOURCE OF INFORMATION ABOUT PROBATIONER'S DRUG OR ALCOHOL USE

(N = 71 probationers rated to be users of any drug or alcohol)

Source of Drug Information	%
Probationer told probation officer	62%
Presentence investigation (PSI)	52%
Probationer's relatives, friends	23%
Probationer entered treatment	13%
From way probationer looked	11%
From needle marks	1%
From a requested urine specimen	1%

The percentages in the table add to more than 100 percent because some officers had evidence of drug use from more than one source. It is clear that if a probation officer knew that the probationer was using drugs, he or she most likely learned this from the probationer's own admission or from the PSI report. It is also noteworthy that the ISP probation officers gained information from the probationer's relatives or friends. The ISP probation officer has access to these persons primarily because of the collateral contacts required by the ISP program. A few probationers were identified as drug users by physical signs. The relative importance of this source should not be underestimated, however, given that only a few persons in this sample injected drugs. One person was identified as a drug user by a urinalysis. As noted earlier, the probation officer has the authority to obtain a urine specimen if he or she thinks it is appropriate.

How accurate were the probation officers' ratings? Table 7 compares the estimates of lifetime drug use based on the probationers' self-reports with the probation officers' ratings, for the 92 persons who had both sources of information. (These analyses also include persons who did not provide a urine specimen.) While 91 percent of the probationers indicated prior use of marijuana, cocaine, heroin, PCP, or illicit methadone at sometime in their lives, the probation officers indicated that only 68 percent of these persons had used any of these drugs. Marijuana and heroin were the drugs that probation officers were most likely to know that their probationers had used. However, the probation officers' estimates of their probationers' involvement with cocaine, PCP, and illegal methadone were all one-half or less than the probationers' self-reports. It is not surprising that probation officers lacked information on whether

TABLE 7. ESTIMATES OF LIFETIME DRUG USE FROM PROBATIONER SELF-REPORTS AND PROBATION OFFICERS' RATINGS

(N = 92 persons interviewed and rated)

Drug	Percent of Probationers Who Admitted to Ever Using Drug	Percent of Probationers Who Probation Officers Indicated Had Ever Used Drug
Marijuana	89%	62%
Cocaine	49%	25%
Heroin	15%	11%
PCP	20%	3%
Illegal Methadone	9%	2%
Any	91%	68%

their probationers had *ever* used illicit drugs. Some of the probationers who indicated lifetime use of a drug could have used it only once or twice. It would be unrealistic to expect that the probation officers would know about such use that may have occurred years before the probation officer met the person. Were the probation officers more aware of recent drug use by their probationers?

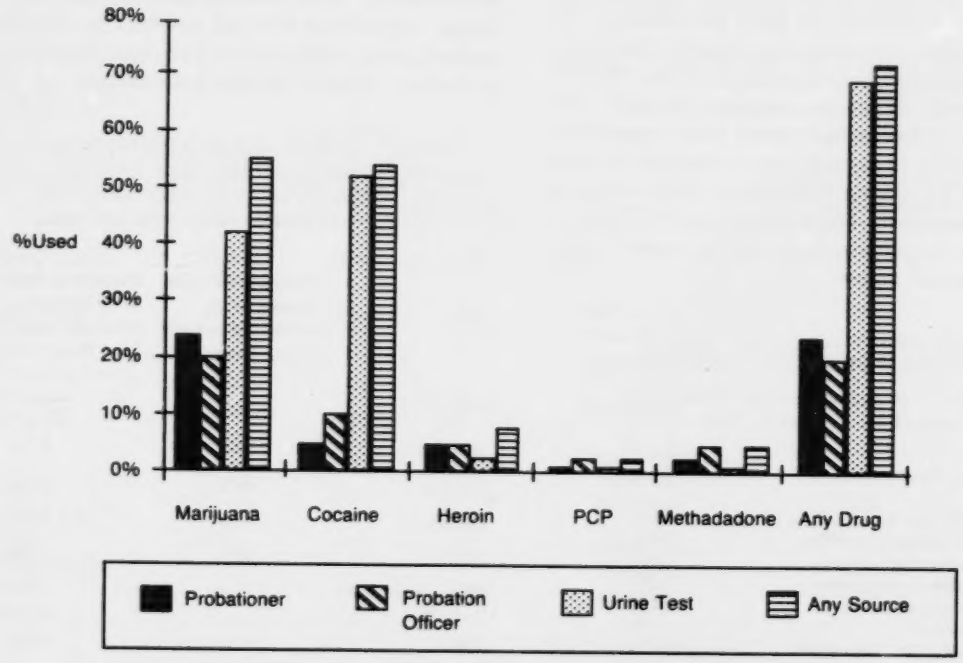
Table 8 compares the estimates of recent drug use obtained from three sources: the probationers' self-reports, the urinalyses, and the probation officers' ratings. Findings are presented for the 66 persons who had all three types of information. It is clear that probation officers were unlikely to report drug use by their probationers in the past month. While probation officers had indicated (above) that 68 percent of the probationers had ever used one of the five drugs in their lifetime, they thought that only 23 percent had used these drugs in the past month. The probation officers' estimates of drug use appeared to agree with what the probationers had told the research assistant they had used in the prior 24-48 hours. However, we found that although the total percentages were similar (23 percent vs. 24 percent), the probation officers rated as recent users only 31 percent of the probationers who had reported any recent drug use.

TABLE 8. ESTIMATES OF RECENT DRUG USE IN PROBATIONERS, FROM SELF-REPORTS, URINE TESTS, AND PROBATION OFFICER RATINGS
(N = 66 interviewed probationers with urine test and rating)

Drug	Probationer Reported Using in 24-48 Hours Before Interview	Percent of Probationers Rated by Probation Officer as Using Drug in Past month	Urine Test at Interview	Use Indicated by at Least One of the Three Sources
Marijuana	24%	21%	42%	55%
Cocaine	3%	9%	52%	53%
Heroin	3%	3%	2%	6%
PCP	0%	0%	2%	2%
Methadone	2%	3%	0%	3%
Any of above	24%	23%	68%	71%

As was the case for the probationer self-reports, the probation officers' estimates of recent drug use were extremely low, compared with the urinalysis results. Sixty-eight percent of these probationers

FIGURE 1. ESTIMATES OF RECENT DRUG USE IN PROBATIONERS, FROM SELF-REPORTS, URINE TESTS, AND PROBATION OFFICER RATINGS
(N = 66 interviewed probationers with urine test and rating)



were positive for one of these drugs, almost three times the proportion that the probation officers indicated had used a drug *in the past month!* The drug that the probation officers were least likely to know about was cocaine. Almost six times as many probationers were positive for cocaine than were reported to be users by the probation officers (52 percent vs. 9 percent).

We combined the estimates of the recent use of these drugs from the three sources. A person was counted if he or she was indicated to be a user by any of these sources. When we did this, we found that 71 percent of the 75 probationers had used at least one of these five drugs. When we excluded marijuana, we found that 55 percent had used a drug. These estimates are quite close to the estimates that the urinalysis results alone would indicate (68 percent and 55 percent, respectively). Thus, as shown in figure 1, probationer self-reports and probation officer ratings do little to increase the estimates obtained from urinalysis tests alone. (The only drug for which the estimate of recent use changed significantly from that based on the urinalysis alone was marijuana, which increased from 42 percent to 55 percent.)

5. Has drug use changed among offenders during the past 2 years?

Since we studied arrestees processed in Manhattan Central Booking in 1984, there has been a rise in cocaine use in New York City. Given the scarcity of objective information about the level of drug use in detained offenders, we thought it important to examine this question using the information that we obtained in the pilot study. We decided to compare the self-reports of drug use and the urine test results for the 135 arrestees age 16 to 20 in our prior study in 1984 who had been assigned to probation subsequent to their index arrest, with the similarly aged probationers studied in 1986. We selected the younger probationers because they constitute the largest segment of the ISP sample and because the majority of them provided a urine specimen. Furthermore, we were most interested in seeing if cocaine use had increased in the younger persons, who have not yet progressed to heroin use. Both samples contain persons who were primarily charged with felony offenses. Table 9 presents these findings.

Although we find some increase in the lifetime use of marijuana (92 percent vs. 70 percent), it is clear that the largest difference in use occurs for cocaine. Forty-six percent of the probationers reported having ever used cocaine, compared with 30 percent of the arrestees interviewed 2 years earlier. The urine test results confirm this trend. Forty-five percent of the 16- to 20-year-old probationers were positive for cocaine, compared with 20 percent of the arrestees of the same ages. Thus, it does appear that an increase in cocaine use has occurred in 16- to 20-year-old offenders in the 2 years since we conducted our study of arrestees.

Table 9 containes some additional information about the probationers that was not obtained from arrestees. Forty-one percent of the probationers age 16 to 20 indicated having used crack. Furthermore, the age of onset of marijuana and cocaine use was quite young. More than one-half of the users of marijuana first used it by age 16. Cocaine use occurred somewhat later. Before reaching age 18, 75 percent of the cocaine users had tried the drug. Drug abuse prevention programs should probably be initiated with persons before age 16.

TABLE 9. COMPARISON OF DRUG USE PROBATIONERS AGE 16 TO 20* IN 1984 AND 1986[a]

	Arrestees Sentenced to Probation from 1984 Study	Probationers from 1986 Pilot Study
	(135) %	(61) %
Ever Used		
Marijuana	70%**	92%**
PCP	16%	16%
Cocaine	30%*	46%*
Heroin	4%	8%
Ever in Drug/Alcohol Treatment	4%	5%
Ever Smoked Cocaine or Used Crack	NA	41%
Positive by Urinalysis for Cocaine (n)	(112) 20%**	(47) 45%**
Percentage of Marijuana Users Who First Tried it *before*		
age 16	NA	(56) 55%
age 18	NA	95%
Percentage of Cocaine Who First Tried it *before*		
age 16	NA	(28) 18%
age 18	NA	75%

NA - Not asked in this study.

[a] Arrestees are all persons age 16-20 who were interviewed in a sample of 6,406 male arrestees processed in Manhattan Central Booking in 1984 and who were subsequently sentenced to probation. Probationers are all persons age 16-20 who were interviewed as part of a pilot study of the Intensive Supervision Probation (ISP) in Brooklyn.

* $p = .05$

** $p < .01$

6. Use of the computerized interview

The computerized interview worked well in this research. Using the automated Ci2 program (Sawtooth Software), an interview was generated and run on a small microcomputer (Sharp PC 7000). The interviewer read the questions from the screen and entered the probationer's answers directly into the computer. Although several probationers asked whether the information was somehow being relayed directly to the Federal government, most persons were comfortable with the machine. The research assistant claimed that the computer made administering the interview less tedious for him and more interesting to the probationers. Some probationers read the questions from the screen along with the research assistant. Prior uses of this software have involved self-administration of the interview, and it is possible that that could be an effective method with respondents who have the necessary verbal and computer skills.

The expected advantages of the computerized interview in managing the data were fully realized. Diskettes with completed interviews were ready for analysis immediately upon receipt and transfer to our larger microcomputer. We were able to monitor the responses and detect problems with the questions. The data from all of the completed interviews were ready for analysis within hours of the last interview. All data were clean and consistent, given that the program eliminates most common sources of interviewer errors.

There were some limitations of the procedure, however. If a respondent changed an answer to a prior question, the research assistant could return to the earlier question, but all subsequent questions would have to be asked again and re-entered. This is because the question that was changed could affect the subsequent branching of the interview. To reduce such problems we kept hard copies of the interview and an interviewer log available so that the research assistant could switch to manual interviewing in the event of any problem. Another difficulty with the computerized interview was that adding or deleting questions after administration of the first interviews was problematic. This is because the output format for the revised interviews would differ from that of the interviews already completed. For example, after conducting about 15 interviews, we decided to add some new questions. To have one consistent data base, we printed out the answers from the first 15 completed interviews and re-entered the data using the revised interview program. To avoid these problems, the interview should be fully pretested before beginning the actual data collection.

An unexpectecd result of using the computerized interview was the anxiety produced in the researchers at the absence of hard copies of the completed interviews. In manually administered interviews, one always has the completed interview along with comments that the interviewer may write down during the interview. These hard copies are comforting to social scientists who may want to return to the raw data to check an interview. This option is lost with computerized interviews but may not be a serious impediment for use in the criminal justice system where volumes of hard copies would have to be stored and accessed.

Implications

Our study has confirmed the suspicions of the ISP staff that many probationers were using drugs. More than two-thirds of the ISP population is currently using illicit drugs. If one excludes marijuana, the estimate drops to 55 percent. We have repeatedly warned the reader, however, that the estimates from our sample are surely too low. This is because we have found that persons most involved with drugs, probationers who were violated, absconded, or were not reporting regularly, never made it into our sample. In addition, persons who told us in the interview that they had had prior treatment for drug abuse or prior experience with heroin or injection of drugs were likely to refuse to give us a urine specimen and therefore are not reflected in our estimates. Given our findings are from the youngest and less drug-involved ISP probationers, we think it is likely that the level of opiate use in probationers would have been at least as high as we found in arrestees (20 percent) had we been able to test all ISP probationers.

The urinalyses yielded the highest estimates of drug use. Even in a confidential research interview, the probationers grossly underreported their use of drugs in the prior 24-48 hours, as compared with the urinalyses. Although the probation officers were better at estimating whether their probationers had *ever* used drugs, their estimates of *recent* drug use were as low as the probationers' self-reports. This is not surprising, given that the probation officer's most common source of information about the probationer's drug use was the probationer's own admission. It is probable that probationers would be even less likely to tell their probation officers about their recent drug use than they were to tell our interviewer, given the potential consequences.

The level of drug use was so high and our findings so unequivocal that we decided that it was not necessary to test ISP probationers in other boroughs in order to study the need for urine testing of probationers. It is clear that the probation staff expressed a valid need for objective tests to encourage proba-

tioners to discuss their drug use. In the absence of urine tests, the probation officer is left to rely upon the probationer's voluntary admission of drug use, the PSI, or the probationer's relatives. None of these sources alone or combined were as good as the urine tests for identifying drug users.

There is an extensive body of information now available that documents that offenders who are identified by urinalysis to be hard drug users are likely to be among the most active criminals (Wish 1986; Wish and Johnson 1986). Such persons tend to have multiple rearrests for both drug and nondrug offenses. To ensure community safety and to reduce abscondence and rearrest rates, probation officers must have current information on their probationers' drug use. And our data show that urine tests provide the best indication of current drug use in probationers. Even the current increase in cocaine use in New York City was detected by the tests; probationers were twice as likely to test positive for cocaine in 1986 than they were in 1984.

The provision of a urine specimen must be made mandatory. Even in our independent, confidential research study, persons who were most involved with heroin use and injection of drugs were unlikely to provide a specimen. One would expect even less voluntary compliance if the test results were to be reported to the probation officer. Mandatory urine testing of probationers should not meet with the many ethical objections that urine testing of arrestees does, because these are convicted persons whose conditions of probation prohibit illicit drug use.

We do not suggest that urine testing should be used in all probation programs, however. The ISP staff members have small caseloads that enable them to interact closely with the probationer and his or her family when a test result is positive. And a positive urine test is only the first and simplest step to be taken in intervening in the person's substance abuse. Discussions between the probation officer and the probationer, and confirmation of the test results by repeated testing and urine monitoring, are necessary in order to design a comprehensive and effective treatment plan for these persons. The introduction of large-scale urine testing into a regular probation program with huge client/staff ratios where the probation officers cannot devote sufficient attention and followup to the test results would be counterproductive and would not serve the probationer or society.

This pilot study has taken the first step. The next step is to introduce systematic urine testing of all probationers in one or more ISP programs gradually and in a controlled manner. Research needs to be conducted to ascertain which of the available interventions (urine monitoring, residential therapeutic community, outpatient treatment, detoxification, methadone, and incapacitation, to name a few) are best suited for specific offenders. For example, the young offender who uses crack and does not inject drugs or use heroin may need a different approach than the person who is dependent on heroin. We also need to learn how best to incorporate the urine test results into the probation process. Some probation officers claim that on-site urine testing coupled with immediate feedback to the probationer will be more effective than sending the specimens to a laboratory and obtaining the results days later. We also need to study the introduction of microcomputers into the criminal justice system to speed up the retrieval and management of test results. The increased efficiency in data entry and analysis that we obtained using a computerized interview will be vital to the probation officer's ability to quickly monitor the probationer's drug use and compliance.

The potential economic and social benefits of intensive community-based surveillance programs for serious offenders have already been suggested (Petersilia et al. 1985). ISP programs, if effective, can reduce prison overcrowding, the need to construct costly prisons, and the huge costs of imprisonment. We believe that the public and the courts rightfully assume that a probationer's drug abuse problem is being addressed during probation. To the extent that probation programs do not directly confront the problem, more persons will fail probation and be returned to prison. And the costs of treating the drug abuser on probation are far less than the costs of long-term incarceration.

We believe that the ISP program, with its small caseloads and emphasis on individual attention to each probationer's problems, is especially well-suited for adopting systematic urine testing. Prior research has demonstrated the efficacy of intensive supervision and enforced treatment for reducing drug abusers' drug use and associated crime (reviewed in Wish and Johnson 1986). The ISP program offers a unique opportunity to curb drug abuse because the probationer can be held accountable by the courts for remaining in treatment and drug-free. A reasoned introduction of urine testing in ISP programs, together with an experimental approach to learn how best to utilize the test results to plan suitable interventions, may provide one of the best opportunities available for reducing offenders' drug abuse and crime.

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Felony Probation and Recidivism: Replication and Response

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IN JANUARY 1985, the Rand Corporation published a report (Petersilia and others, 1985b) which presented data on over 16,000 felons convicted in California's superior court during 1980, as well as recidivism data on a subsample of 1,672 felony probationers from Los Angeles and Alameda counties. Almost immediately, this report attracted a great deal of attention and rekindled public interest in the effectiveness of probation supervision at a time when incapacitation and punishment of offenders has become the dominant sentiment in corrections and overcrowding plagues our penal institutions. Summaries of this study have been published in three different locations (Petersilia, 1985a, 1985b, and Petersilia et al. 1985a). It has been hailed by one corrections expert (Conrad, 1985b: 71) as "the most important criminological research to be reported since World War II." This article presents recidivism data on a sample of felony probationers from Kentucky and provides, on a much smaller scale, several points of comparison with the Rand study. In this fashion, responses to conclusions contained in the Rand report will also be discussed.

Previous Research on Probation Recidivism

In the Rand report, the authors (Petersilia et al., 1985b: 2) state that their study constitutes "the first systematic research on felony probation." A more accurate assertion is that the Rand study represents the first large-scale analysis of felony probation. In fact, probation supervision has long been a target of criminological research. For example, a recent National Institute of Law Enforcement and Criminal Justice-sponsored report on the state of the art in probation (Allen et al., 1979) contains a thorough summary of the research on probation supervision published over a 26-year period. Furthermore, since these studies focused on probationers convicted of felonies (ranging from Internal Revenue Service violations to property crimes like forgery and burglary), they represent the pre-Rand study status of probation recidivism research.

As summarized by Latessa (Allen et al., 1985: 261), these studies did suffer from some basic methodological weaknesses, the most glaring of which was the failure to "define a base . . . against which to compare findings in order to support a claim that probation is an effective alternative for rehabilitating offenders." The 10 studies summarized in this report generated failure rates defined in various ways (i.e., arrests, convictions, revocation) over different followup periods (ranging from 6 months to 12 years). The recidivism rates took the following forms (Allen et al., 1985: 260): arrest (29.6 percent), arrest and/or conviction (30 and 41.5 percent), conviction (16.4 and 17.7 percent) and revocation of probation and incarceration (22.5 to 55 percent). Latessa concluded that these studies provide a "rule of thumb that probation can be considered to be effective, and that a failure rate above 30 percent indicates that it is not effective."

Despite the flaws in these studies and their basic lack of comparability, they do provide a benchmark for research on probationer recidivism. Yet, the Rand focus upon felony probationers was a sound basis for a policy study since these offenders, in the absence of probation supervision, would go to prision. The report should serve as a point of comparison for further study of this subject. As Conrad (1985: 71) has written, replication of the Rand study in some "dissimilar settings," may "show the way at last to a rational sentencing system and eventually to the substantial reduction of public fright."

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Methodology

The research sample for the present study was drawn from a larger project conducted by the Kentucky Criminal Justice Statistical Analysis Center which attempted to assess the feasibility of implementing an offender-based tracking system in Kentucky (OBTS - Vito and Ellis, 1985, Bureau of Justice Statistics, 1983 and Bureau of Criminal Statistics and Special Services, 1985). The OBTS feasibility study collected and analyzed disposition data from arraignment in district court (or direct indictment in circuit court) for the population of offenders charged with a Part One Index Crime (from the Uniform Crime Report designation as classified for the commonwealth by the Kentucky State Police: murder, rape, robbery, assault, burglary, larceny/theft, and arson) in the year 1982. Data were collected from the 6th (Daviess County), 14th (Bourbon, Scott, and Woodford Counties), and 30th (Jefferson County) judicial districts of Kentucy. To permit followup of offenders placed on probation, 1982 was selected as the base year.

However, this group of offenders was not representative of the statewide total of 1982 index felons, due to the fact that the judicial districts were not selected through probability sampling. In an attempt to roughly approximate the criminal justice system of the commonwealth, a large urban (30th) district, a midsize (6th) district, and a rural (14th) district were selected for study. Therefore, any conclusions drawn from these data must be interpreted with extreme caution, since the OBTS data do not technically represent felony case processing for Kentucky in 1982.

Offenders were tracked through the criminal justice system as far as their case progressed. If the offender was sent on to circuit court (misdemeanor cases are disposed of in district court), data were collected from circuit court files. In other words, all information on court processing was obtained from hard copy files—records which were maintained in the respective counties. Data on recidivism were collected from state probation and parole offices in each judicial district. The maximum followup period for a case was 36 months.

Tracked in this fashion, the OBTS analysis identified 317 convicted felons who were placed on probation in 1982. Our recidivism analysis consciously sought to replicate the methods used in the Rand study. However, when comparisons are made between the two studies, several qualifications must be kept in mind. First, this sample is far smaller than the one contained in the Rand report. Second, it should be clear that the results of this study are not representative of the state of felony probationer performance in Kentucky. The Rand study (1985b: 16) was very careful to make similar statements:

> ... our recidivism results should not be generalized to all adult probationers. Counties with less serious offenders in their probation populations or with more resources might have lower recidivism rates. ... we are not assessing probation's overall effectiveness. ... The characteristics of felony probationers are not necessarily those of probationers in general.

Therefore, the findings of both studies must be cautiously interpreted, since the samples were selected in such a way that the research subjects were not necessarily representative of that state's population of felony probationers, not to mention felony probationers in other locations.

Third, this analysis concentrates upon the recidivism rates of felony probationers. The OBTS system did not contain information from the presentence investigation on each offender, so we were unable to consider other crucial issues addressed by the Rand report, such as the factors related to the probation/prison sentencing decision, the proper use of the presentence investigation, and the ability to predict the risk of recidivism posed by felony probationers.

Fourth, our definition of recidivism was somewhat broader than that used in the Rand study. In addition to the standard definitions of arrest, conviction, and incarceration for a new offense, the present study singled out the rate of probation violation (i.e., failure to maintain the conditions of supervision) and incarceration for a probation violation as a separate category of recidivism. The Rand study (1985b: 20) failed to consider this measure, because the researchers "had no information on it." Finally, the Rand study utilized a 40-month followup period to track felony probationers. The current study used a 36-month followup period—close enough to permit comparisons of the research findings. Our study begins with an analysis of the use of probation and imprisonment in Kentucky for the years 1981-83.

Probation and Imprisonment in Kentucky: 1981-83

Table 1 presents information compiled by the Bureau of Justice Statistics on the nationwide probation (1982b, 1983b, and 1984b) and prison populations (1982a, 1983a, and 1984a), as well as the percentage change in each population between 1981 and 1983. These years were chosen for two reasons: 1) 1981 was the year before the current subjects were placed on probation, and 2) 1983 was (at the present time) the most recent year for which probation population statistics were available.

First, it is obvious that in Kentucky, the South, and the nation, both the probation and prison populations increased over this time period. In Kentucky, the rate of increase between 1981 and 1983 for both populations was relatively constant. The Kentucky probation population increased by 14.5 percent, while the prison population rose by 13.7 percent (while the

TABLE 1. PROBATION AND PRISON POPULATION STATISTICS, 1981-83

	1981		1982		1983		% Change 81-83	
	Pop.	Rate	Pop.	Rate	Pop.	Rate	Pop.	Rate
PROBATION								
Kentucky	13,100	504	14,516	553	14,999	561	+14.5	+11.3
South	468,855	848	536,145	949	621,308	1,075	+32.5	+26.8
Nation	1,222,024	735	1,335,359	791	1,502,247	897	+22.9	+22.0
PRISON								
Kentucky	4,167	114	4,051	110	4,738	127	+13.7	+11.4
South	159,712	206	180,388	224	186,373	225	+16.7	+ 9.2
Nation	368,772	160	412,303	170	438,830	179	+19.0	+11.9

Rates are expressed per 100,000 resident population.

1982 Kentucky prison population figure does not include 162 prisoners held in local jails.

Sources: Bureau of Justice Statistics Bulletins (See bibliography).

rates per 100,000 population increased by 11.3 and 11.4 percent, respectively). These figures reflect an even more dramatic increase for both the South and the nation. In the South, the probation population increase was approximately twice that of Kentucky (32.5 percent - population and 26.8 percent - rate), while nationwide the rate of increase was also greater than Kentucky's. With regard to the prison population, the national and southern rates were only somewhat greater or even less than (9.2 percent increase in the rate/100,000 population in the South) the figures registered by Kentucky.

In sum, it is clear that the use of probation in Kentucky was somewhat less than that of its southern counterparts, yet the use of incarceration was relatively equal. It is difficult to make any definite conclusions concerning the causes of this finding, especially when one must remember that the Kentucky Corrections Cabinet was operating under a court order for one of its institutions (La Grange Reformatory) which limited prison population increases. Yet, it would appear that Kentucky was not especially "lenient" in terms of its probation during this timeframe.

Disposition of Circuit Court Convictions in the Three Kentucky Judicial Districts in 1982

In fact, the disposition of all circuit court index crime felony convictions in the three Kentucky judicial districts supports the previous statement. The data in table 2 indicate that the use of probation tends to follow the severity of the offense, with the possible exception of assault (58.7 percent probation rate for all assault dispositions). Burglary was the leading offense in terms of the percentage of convicted offenders sentenced to shock probation[1] (50.9 percent, jail (32.2 percent), and prison (60.1 percent).[2] It appears that serious crimes most often drew a sentence involving some form of incarceration.

TABLE 2. OBTS: DISPOSITION OF CIRCUIT COURT CONVICTIONS IN THREE JUDICIAL DISTRICTS, 1982

Type of Crime	Probation	Shock	Jail	Prison	Totals
Murder	22	7	4	36	69
	(31.9)	(10.1)	(5.8)	(52.2)	(6.3)
Rape	18	3	6	25	52
	(34.6)	(5.8)	(11.5)	(48.1)	(4.8)
Robbery	50	5	29	89	170
	(29.4)	(2.9)	(17.1)	(50.6)	(15.6)
Assault	98	2	59	8	167
	(58.7)	(1.2)	(35.3)	(4.8)	(15.3)
Burglary	130	28	89	100	347
	(37.5)	(8.1)	(25.6)	(28.8)	(31.9)
Larceny/Theft	104	10	82	61	257
	(40.5)	(3.9)	(31.9)	(23.7)	(23.6)
Arson	12	0	7	8	27
	(44.4)		(26.0)	(29.6)	(2.5)
Totals	434	55	276	324	1,089
	(39.9)	(5.1)	(25.3)	(29.7)	

[1] Under Kentucky law, an offender can be released on shock probation by the sentencing judge within 90 days of incarceration. Action can be taken upon a motion filed by the inmate, by counsel for the inmate, or on the initiative of the sentencing judge. Persons ineligible for regular probation (i.e., persons convicted of a Class A, B, or C felony involving the use of a firearm, a sex offense with a minor, on felony probation or parole when the new felony offense was committed, or sentenced as a persistent felony offender) are also ineligible for release on shock probation.

[2] Here, the reader must keep in mind that the index crime categories are collapsed. Therefore, crimes such as manslaughter in the second degree would be included in the category of murder. Thus, the index crime categories may not reflect the actual charge and probably overstate the severity of the charge at conviction.

Table 3 contains information on the conviction offense of cases contained in the research sample. Again, these cases represent persons who were originally charged with an index crime and were eventually convicted of a felony and placed on probation in 1982 in the three Kentucky judicial districts. Misdemeanant cases were excluded from the analysis. Here, the most typical offenses were burglary and a group of property crimes including larceny-theft (in Kentucky, theft over $100), forgery, and receiving stolen property (approximately 31 percent for each group). Thus, the majority of offenders sentenced to probation were convicted of a property crime.

Overall, this breakdown of conviction offenses was remarkably similar to that contained in the Rand study.[3] There, the majority of probationers (68 percent) were convicted of burglary, receiving stolen property, and auto theft, while persons convicted of robbery and aggravated assault accounted for 23 percent of the sample (Petersilia et al., 1985b:17). In the present study, these percentages were 62.7 percent and 25.6 percent respectively. Given the fact that the samples for the two studies were selected in different ways, this similiarity is even more remarkable. The Rand study (1985b:16) utilized the following sampling scheme:

> For Alameda County, we selected every probationer for whom data were available; for Los Angeles, we selected all probationers who were convicted of drug offenses, a random sample of approximately half of those convicted of violent crimes, and approimately one-fifth of those convicted of property crimes.

This sampling procedure attempted to approximate the statewide distribution of offenses in California: "A majority are property offenders; substantially fewer are violent and drug offenders." In the present study, felony probationers were not sampled. The 317 felony probationers reflected the system processing of 5,506 index felony offenders who were arraigned in district court in the three judicial districts in 1982 (Vito and Ellis, 1985:6). Given the similiarity in the distribution of crimes at conviction between the two studies, it would appear that a comparison of the research findings is warranted.

[3]The Rand and Kentucky samples were also roughly comparable in terms of the number of counts at conviction. In the Kentucky sample, 77 percent of the offenders had only one count at conviction compared to 95 percent of the Rand cases. However, in terms of race, there was much more ethnic diversity in the Rand sample (33 percent white, 25 percent black, 25 percent hispanic, and 11 percent other and unknown) than in the Kentucky sample (63 percent white, 36 percent black, and 1 percent hispanic). There is little doubt that these differences arise from the diverse racial compositions between these two states. Due to the fact that the OBTS system did not contain information on such variables as employment, educational level, prior adult or juvenile record, status at arrest, victim information, weapon information, and drug or alcohol use, it was not possible to make further comparisons between the two samples.

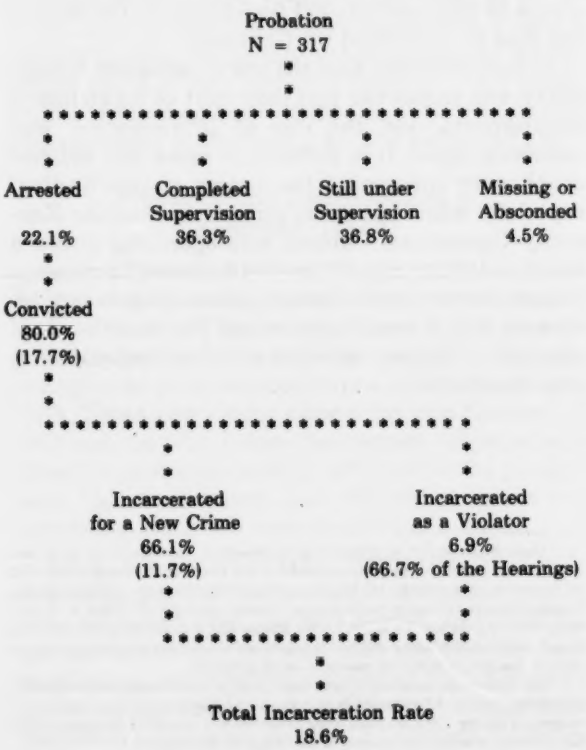
TABLE 3. PERSONS SENTENCED TO PROBATION BY CONVICTION OFFENSE

Type of Crime	N	%
Manslaughter	14	4.4
Rape & Other Sex Crimes	8	2.5
Robbery	25	7.9
Assault	56	17.7
Burglary	100	31.5
Theft, Forgery & Receiving Stolen Property	99	31.2
Arson	9	2.9
Drugs & Other	6	1.9
Total	317	

Recidivism Analysis

In the present study, each category of recidivism (arrest, conviction, reincarceration) was considered and reincarceration rates were divided between those offenders returned on a conviction for a new crime versus those returned via a technical violation of the conditions of supervision.

TABLE 4. RECIDIVISM TREE: FELONY PROBATIONERS IN THE THREE KENTUCKY JUDICIAL DISTRICTS



A roughly equal number of probationers had either completed or were still under supervision at the time of the analysis. Overall, approximately 22 percent of the felony probationers were rearrested. Of those who were arrested, 80 percent were convicted (18 percent of the total group). Almost 66 percent of the convicted probationers were sent to prison for a new offense (11.7 percent of the total) and an additional 2 percent of the total group were sentenced to jail (see figure 1). Overall, roughly 7 percent of all probationers were reincarcerated for a technical violation of the conditions of supervision. Therefore, the total prison reincarceration rate for felony probationers was 18.6 percent. It should also be noted that 6 out of 10 probation violation hearings resulted in incarceration. This rate was higher than the revocation rates listed in previous studies of probation cited by Latessa (Allen et al., 1985: 261). There are two possible explanations for this finding. First, it is probable that, as a result of due process requirements, hearings are not held frivolously and that strong evidence of violation is brought to bear against the offender. Second, in Kentucky, revocation hearings are held before a judge (rather than a hearing officer) who may be significantly impressed with the seriousness of the charges against the offender. In any event, the clear pattern is that the majority of revocation hearings result in the incarceration of the probationer. These rates are summarized and compared to those contained in the Rand study in figure 1.

In the Rand study (1985b:21), 65 percent of the felony probationers were rearrested, 51 percent were convicted, 12 percent were sent to jail, and 22 percent were incarcerated in prison. Compared to the current study, the Rand rearrest and conviction rates were much higher, but the prison reincarceration rates were similar (22 percent vs. 18.6 percent). Yet, the Rand study did not include reincarceration for a technical violation as a possible outcome. The current study indicates that, if this information had been available, the Rand study prison incarceration rate would have been higher. Thus, although the two groups under study appeared to be similar, their performance on probation differed. Of course, there are any number of variables which could account for these differences, including caseload size, style of probation supervision, and differences in demographic and urbanization patterns between California and Kentucky.

FIGURE 1. FELONY PROBATIONER RECIVIDISM RATES IN KENTUCKY

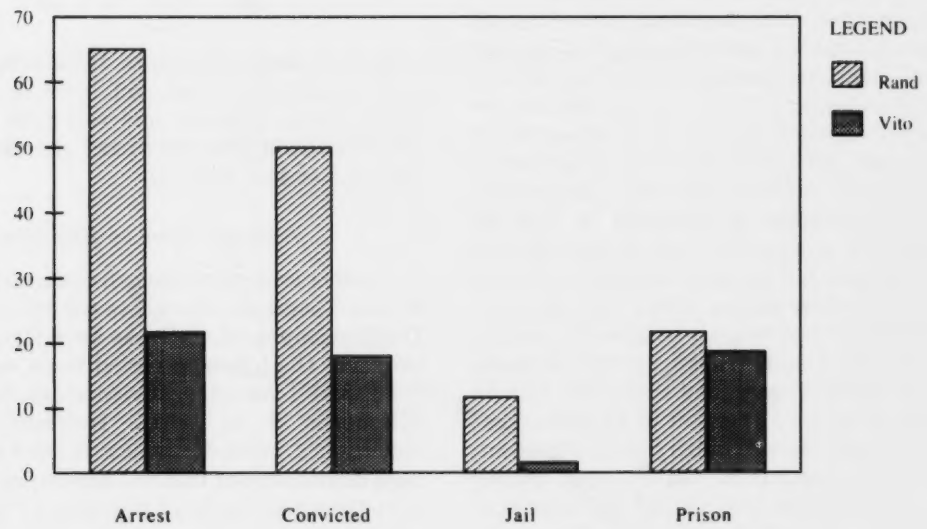


Table 5 presents information on the type of crime committed by felony probation recidivists (excluding the technical violators). It is clear that misdemeanors and property felonies account for the major portion of rearrests and reconvictions (approximately 70 percent each). However, in terms of reincarceration rates, felonies lead the way (total percentage of 65). A different type of recidivism breakdown is presented in table 6.

TABLE 5. TYPES OF CRIME COMMITTED BY FELONY PROBATIONER RECIDIVISTS

Status	Property Felony	Personal Felony	Drugs	Misd.
Arrested	28 (33.7%)	21 (25.3%)	4 (4.8%)	30 (36.1%)
Convicted	19 (30.2%)	17 (27.0%)	2 (3.2%)	25 (39.7%)
Incarcerated	8 (34.8%)	7 (30.4%)	2 (8.6%)	6 (26.1%)

Table 6 presents data on charges filed against felony probationers by the original conviction offense. Here, it is apparent that persons convicted of burglary were most likely to be charged with another property crime (55.6 percent), that probationers convicted of larceny-theft were most likely to be charged with a violent crime (30.7 percent) or a misdemeanor (36.4 percent), and that burglars accounted for 40.7 percent of all technical violators. Drug offenses accounted for only a small number (4) of all recidivist offenses. In sum, offenders convicted of property, rather than violent, offenses were most likely to be charged with a new crime as a probationer, and the bulk of these new crimes were not violent offenses but property felonies (29 percent), technical violations (29 percent), and misdemeanor crimes (23.7 percent).

This distribution was roughly comparable to that reported in the Rand study (1985b: 24) with property crimes (led by theft, forgery, and auto theft with 29 percent accounting for 51 percent of all new crimes and violent crimes (led by robbery with 9 percent) amounting to 24 percent of the charged crimes. However, in terms of the volume and seriousness of crime committed by recidivists, the crimes committed by the Rand study sample outstripped those committed by the Kentucky sample of felony probationers. The Rand researchers (1985b: 25) concluded that "recidivists in these two counties concentrate on serious property and violent crimes—the crimes that society considers most threatening" and "that recidivists have a strong tendency to be reconvicted of the same type of crime." This was clearly not the case in the Kentucky study. Here, offenders did not seem to specialize at all, and, in terms of recidivism, misdemeanor offenses and technical violations of probation conditions were more prevalent than property and violent felonies.

TABLE 6. FINAL INDEX CRIME CHARGE AT CONVICTION BY NEW OFFENSE ON PROBATION

	Type of New Offense					
Index Crime	Property Felony	Violent Felony	Drugs	Misd.	Violation	Total
Murder	0	0	1 (25)	0	0	1 (1.1)
Rape	0	0	0	0	0	0
Robbery	2 (7.4)	3 (23.1)	1 (25)	5 (22.7)	2 (7.4)	13 (14)
Assault	3 (11.1)	2 (15.4)	0	2 (9.1)	4 (14.8)	11 (11.8)
Burglary	15 (55.6)	3 (23.1)	0	7 (31.8)	11 (40.7)	36 (38.7)
Larceny/Theft	6 (22.2)	4 (30.7)	1 (25)	8 (36.4)	8 (29.6)	27 (29)
Arson	0	0	0	0	1 (3.7)	1 (1.1)
Forgery	1 (3.7)	0	0	0	0	1 (1.1)
Other Felonies	0	1 (7.9)	1 (25)	0	1 (3.7)	3 (3.2)
Totals	27 (29)	13 (14)	4 (4.3)	22 (23.7)	27 (29)	93 (100)

Average Time to Recidivism

Another issue in recidivism research is the amount of time it takes an offender to commit another crime. Traditionally, such analyses have focused upon the length of the followup period necessary to make a valid assessment of recidivism rates. Recent studies (Kitchener et al., 1977; Hoffman and Stone-Meierhoffer, 1980) of parolees in the Federal system have demonstrated that the amount of time given to the followup period has a significant impact upon the size and nature of recidivism rates. In addition, Flanagan (1982) has utilized time after release as a variable in its own right as an indicator of the speed at which different categories of releasees recidivate. The Rand study (1985b: 25) employed a variation of this approach, calculating the median time between the time of the probation grant to the first officially filed charge while under supervision. By type of conviction offense, it was discovered that property of-

fenders were the quickest to recidivate (5 months), followed by violent offenders (8 months), and drug offenders (15 months).

The present study did not include probationers convicted of drug offenses, since drug offenses are not included as index crimes. The rates in table 7 reveal that persons convicted of a property crime were charged with a new offense (or a technical violation) sooner that persons convicted of a violent crime. The median time to recidivism for a property felony probationer was 375 days (approximately 12 months) versus 598 days (approximately 20 months) for a probationer convicted of a violent felony. The pattern evidenced in the Rand study was also present among Kentucky felony probationer recidivists, but each group had a longer period to recidivism than their California counterparts.

The percentage of the sample of Kentucky felony probationers with filed charges over the 36-month followup period is presented in figure 2. The graph demonstrates that recidivism of probationers who were originally charged with a property crime peaks within the first 6 months and then declines over time. The percentage of probationers who were convicted of a violent crime peak within the first year levels off and then increases. The pattern demonstrated in the Rand study led the researchers to conclude that "after about two years, property and violent offenders have either resumed their careers or have 'retired'" (Petersilia et al., 1985b: 25). The current study resulted in a similar relationship between the variables. The main difference is the increase in the percentage of violent felony probationers who were charged with a new offense close to the end of the followup period.

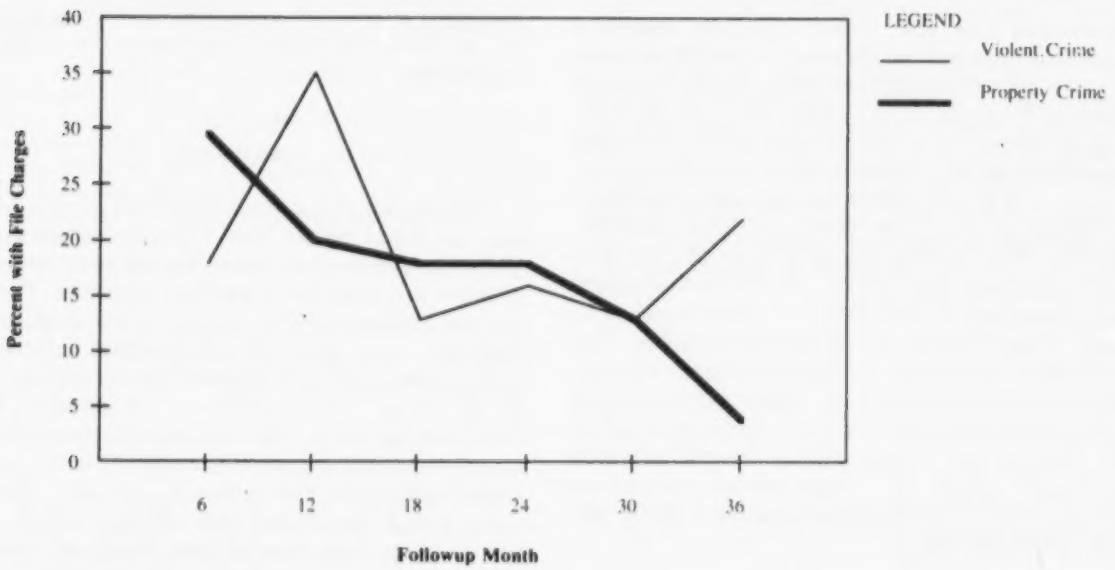
Implications and Recommendations

The Rand study (1985b: 78) stated that the research results were "by no means intended as an indictment of probation departments. With their reduced budgets and mountainous caseloads, they cannot be expected to supervise probationers closely." The conclusion was that the fault lies with the inability of the system to provide alternative sentences for first offenders which, in turn, would hopefully provide more prison space to incapacitate serious offenders. Here, the Rand researchers made several specific policy recommendations, several of which have been in place in Kentucky for quite some time.

TABLE 7. DAYS BETWEEN INITIAL DATE OF SUPERVISION AND THE DATE OF FILED CHARGES BY TYPE OF FELONY CONVICTION

Original Crime	N	Mean	Median	Mode	Std. Dev.
Violent Felony	23	620.7	598	1082	314.8
Property Felony	61	431.1	375	280	251.3

FIGURE 2. TIME UNTIL NEW CHARGE BY ORIGINAL CRIME AT CONVICTION



For example, the Rand researchers advocate the establishment of "user fees" for probationers to cover the costs of preparing the presentence report and the cost of supervision and to provide funding for new programs like intensive supervision (Petersilia et al., 1985b: 81). Section 439.315 of the Kentucky criminal code states that a person placed on probation (or parole) shall pay a fee (for a felony, between $500 and $2,500) to offset the cost of supervision. Fees collected in this manner are placed in the Kentucky General Fund and are not specifically nor solely designated for correctional expenditures.

In addition, the Rand researchers endorsed the use of risk/needs assessment scales designed by the National Institute of Corrections to clarify the purpose of supervision by identifying those offenders who require either close surveillance (risk) or specialized treatment (need). The Kentucky Office of Community Services has been using this system since October 1984. However, both the implementation of and the reasons behind the use of risk/needs assessment scales must be clearly specified. For example, Wright, Clear, and Dickson (1984) have demonstrated that these instruments are not universally applicable and that they must be carefully validated in each locale. They tested the Wisconsin scale with a sample of New York City probationers and determined that many of the variables contained in the instrument did not predict risk. Recently, Kratcoski (1985) has indicated that risk/needs instruments should be primarily used to insure efficency and the productive use of resources within supervision levels. It should not be assumed that recidivism will be reduced at all supervision levels.

Kentucky has also implemented an intensive supervision program which was designed in response to prison overcrowding. Like other programs of this type (see Petersilia et al., 1985b: 66 - 72), the Kentucky program limits caseload size to 25 clients and seeks to subject the client to close surveillance (i.e., a 10 p.m. to 6 a.m. curfew, 7 days per week). An initial evaluation of the program (Office of Administrative Services, 1985) during the first year of operation reveals that only three of the four hundred offenders under intensive supervision have been returned to prison as the result of a new felony conviction. The Rand report supported the use of intensive supervision as a potential method to "satisfy public demand that the punishment fit the crime, to show criminals that crime doesn't pay, and to control potential recidivists" which is "tough enough to provide genuine control over felony probationers" (Petersilia et al., 1985: 65 - 66).

It is this endorsement, in the absence of substantial research evidence demonstrating the effectiveness of intensive supervision, which is most troubling. The Rand report is not alone in this suggestion (see Conrad, 1985a). While there is no doubt that there exists a definite need to provide unity of purpose to probation supervision (Clear, 1985) and that use of intensive supervision is one method to help fill this void, we must be especially careful not to fall into an old correctional trap—the panacea phenomenon (See Finckenauer, 1982; Dean-Myrda and Cullen, 1985). The promotion of intensive supervision as a cure for a number of correctional ills with potentially conflicting goals (saving government expenditures, reducing prison overcrowding, reducing caseload size while increasing surveillance of probationers and reducing recidivism rates) could serve to generate unrealistic expectations about the effectiveness of this approach. Clearly, we have been down this path before, and correctional experts and professionals should know better than to repeat the mistakes of the past. Where will we be if intensive supervision fails to meet these rising expectations?

There is already some evidence that trouble could be brewing on this front. Bennett (1984) has suggested that there is no theoretical basis to assume that reduced caseload size will result in lower recidivism rates. Research by Latessa and Vito (1984) comparing the performance of shock probationers placed in an Ohio-based intensive supervision program to those placed on regular supervision determined that, while the intensive group received more contacts and referrals which led to more positive adjustment (i.e., a higher employment rate), the difference in recidivism rates between the two groups was not statistically significant. The goals of intensive supervision must be clearly specified and measured so that we avoid the premature crucifixion of intensive supervision upon the "cross of recidivism."

Conclusions

Comparison of the findings of the current study and the Rand report lead to the conclusion that felony probation supervision appears to be relatively effective in containing or limiting recidivism. The two studies contain several similar, if not duplicative, findings in this area. The most salient point is the close correspondence in prison reincarceration rates (Rand: 22 percent, Kentucky: 18.6 percent). Both rates are far below the "30 percent threshold" of failure identified in previous studies of felony probationer recidivism. Yet, it was also evident that the Rand group committed new offenses which were more serious than those of their Kentucky counterparts. Such differences underscore the need to conduct research in different locales in order to draw more definite conclusions about felony probation.

Yet, it must be recalled that each study has its limitations. Two serious common restrictions are the questionable representativeness of the two samples and the basic lack of comparison to another similarly situated group of offenders. As a result, both studies must be considered as exploratory in nature. Future research on the state of felony probation effectiveness should include measures other than recidivism (i.e., cost savings, effectiveness of service delivery).

The need to closely examine the workings of felony probation is especially pressing as methods to safely reduce the size of the prison population are sought (see Finn, 1984). We must not be quick to endorse or condemn probation supervision as it attracts new attention as a potential solution to the crime problem and as its mission is clarified.

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Probation: An Exploration in Meaning

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PROBLEMS IN the definition of the role of probation and its agents stem from a traditional lack of definition concerning the field (Barkdull 1976, Fogel et al. 1980). In the void where probation has grown up, popular opinion has characterized it as a nonsentence, "getting off," or a measure of leniency (Allen et al. 1979, Fogel 1980, Barkdull 1976). At the same time, competing influences in social work and law enforcement have attempted to foist definitions, standards, and practices upon probation, to the point that officers new to the field often have unrealistic expectations as to their efficacy and field of expertise.

Allen et al. (1979) note that their research effort was seriously complicated by the lack of any generally accepted definition of probation. They recount that:

> The word "probation" has been used interchangeably to mean a legal disposition, a measure of leniency, a punitive measure, an administrative process, and a treatment method . . . not to mention a sub-system of corrections (Ibid. 1979).

Worsening the confusion is the claim by each group that its approach is the only proper approach to the diverse tasks assigned to probation including: helping, policing, enforcing, and service brokering.

David Fogel and his coauthors (1980) note that the main reason for this state of confusion is that most of the definitions and standards by which we are measured were developed to deal with fields that are often only peripherally relevant to probation. Probation has yet to provide itself with a standard definition.

As probation moves towards the 21st century, we find that it has in many ways changed drastically from what many of us thought it was, or should be. Whatever the perspective from which we approach it, probation has changed.

Joan Petersilia (1986), writing for the Rand Corporation, takes note of this change when she observes:

> Probation sentences for adult felons have become so common that a new term has emerged in criminal justice circles: felony probation. Today, over one-third of the nation's adult probation population consists of persons convicted in Superior Courts of felonies (as opposed to misdemeanors). This phenomenon raises some serious questions. Probation was originally intended for offenders who pose little threat to society and were believed to be capable of rehabilitation through a productive, supervised life in the community. (p.4)

But that is not all—house arrest, electronic surveillance, intensive supervision, and warrant squads bring into high relief the inadequacy of our definitions of what probation is or might be. Nevertheless, it remains plain that on some level, all of these seemingly disparate approaches bear some relationship to a core definition of probation that contains elements of rehabilitation, correction, social work, and general ombudsmanship that escape some of the more traditional formulations.

Role tension, or conflict between roles classically assigned to probation officers, has most often been seen as developing along the social work/law enforcement axis (Fogel et al., Allen et al. 1979, Dell' Apa et al. 1976).

From the social work perspective, probation, seen as a helping profession, has little or no room for law enforcement considerations. The duty to report to the court or to monitor behavior would violate the client-helper relationship and render it ineffectual (Deitrich 1978).

From the opposite pole, every probation officer has at some point known the ill will of law enforcement officials who see him or her as the soft hearted do-gooder whose only *raison d'etre* is to undo the work of days or weeks in apprehending some criminal. The perspective is often expressed: "We catch them and you let them go."

Where confusion exists as to role, we may expect that it comes from one of three sources: over-identification with one or another of the polar extremes noted above, expectations not shaped by the tasks at hand, or total lack of expectations. The latter position often seems to be by far the most susceptible to reason. This question of role conflict was briefly analyzed by G. Frederick Allen in a 1985 *Federal Probation* article examining the role of probation and probation officers as perceived by probationers scheduled for termination from supervision caseloads in a large metropolitan office. At the end of his investigation he concluded that:

> Probation officers are supposed to be both treatment and social control agents. Performing these nearly contradictory functions has been a perennial dilemma for probation officers. Bartollas, Miller, and Wice (1983:212) cite three reasons for this: (1) Each type of officer may be attracted to one role more than the others; (2) actual conflict does exist between the policing and the helping roles; (3) these officers often encounter conflicting expectations from the public, from other practitioners in the criminal justice system, and from supervisors and peers in the agency.

Bartollas, et al. (1983), have noted further that probation officers are often confused by this role conflict and are generally uncertain about what they are supposed to do. Eventually the officer yields to the various pressures and gravitates towards one role.

The data obtained in this research suggest that probation work is a multidimensional process requiring the probation officer to respond to a variety of needs and special situations, and that the psychodynamics of many offenders may require an assistance-control approach.

One of the more productive approaches to the definition of the probation task revolves around the fact that it is a legal disposition. Allen et al. (1979) have indicated that as a legal sanction, probation contains three characteristic elements: (1) release of the offender into the community (2) with certain conditions imposed upon him (3) under the supervision of the probation department. Following the same line of investigation, Fogel (1980, 1981), Deitrich (1978), and Hardman (1960) all identify the function of the probation officer as enforcement of the court's order.

The obvious advantage of this definition is that it may be judged solely on probation-related criteria. Within the confines of such a perspective, the probation officer may be regarded as having done an acceptible job whether a case ends in rehabilitation or revocation.

Within the broad purview of such a definition, there is ample room for rehabilitation and policing determined by the needs of the case at hand. Rather than imposing an unrealistic universal rehabilitative emphasis, or an equally unrealistic punitive/enforcement emphasis, this type of administrative definition allows for truly individualized treatment based on the case, not a priori assumptions.

It also finds broad applicability independent of the needs observed in the caseload. A casework orientation can only respond in frustration to excessive caseloads where no deep therapy or rehabilitative counseling is possible. If, however, the probation officer's goal is to enforce the court's order, he can not only adjust his approach in accordance with the needs observed, but—as a service broker—he can help his clients move toward a rehabilitative ideal through services provided by others.

From this perspective, rehabilitation ceases to be our primary function; compliance is the aim. Nevertheless, as we seek compliance, our enforcement role can realistically seek rehabilitation, where warranted, through extra-agency referrals, or intra-agency specialization.

Nevertheless, before any approach, including compliance, can become a standard rationale for probation practice, it must be firmly rooted in the history of probation philosophy, comprehending all of its manifestations. This, of course, identifies the major flaw in most of our attempts to define the field. Rehabilitation as a philosophy failed in its willingness to ignore the pragmatic issues of law enforcement, compliance, and community risk factors and more generally failed to realistically assess human abilities. Besides, statistical studies have tended to show that most of the people rehabilitated by probation were already rehabilitated before they even met the probation officer (Walker 1985:176).

The failure of the law enforcement perspective was, by the same token, a result of its willingness to ignore the very strong humanitarian and helping-rehabilitative emphasis that lies at probation's heart. It tended to dehumanize both the probationer and the probation officer by missing the deep concern for humanity that sought the institution of a respite from "unfeeling law."

Finally, despite its fundamentally right instincts, the justice model fails to capture the essence of what probation is and can be by over-emphasizing its nature as a sanction. By defining what has, by definition, been a suspension of sentence as a sentence itself, the justice model, for the sake of fairness, has destroyed the one factor that gives probation its seemingly inexhaustible ability to adapt to the needs of the correctional issue at hand.

It is here, of course, that our task begins to find sufficient definition that we may begin to grasp its broader parameters. If we are to define probation at all, we must provide parameters broad enough to include not only what it has been, or what we might like it to become, but broad enough to capture its essence without artificially limiting its potential. For these reasons, it now becomes important to begin an examination of the historical roots of probation.

In the history of probation we have been beset by varying ideas as to what exactly it is that we should be doing. We began early on with a primitive religious idea that some lesser misdemeanants might profit from the liberal application of Christian charity and properly applied exhortations to adhere to a set of moral absolutes of near universal acceptance. As probation grew and ceased to be only the effort of the well-meaning to amend the character of the fallen, it gradually sloughed off its appeal to religious and moral sensibilities and began an appeal to sociological and psychological variables that had somehow given rise, not to morally reprehensible actions, but predictible, and theoretically treatable, maladies of environmental or genetic origin. With the subsequent growth of probation through the 20th century, this medical model came increasingly under fire as ineffective and ultimately violative of the rights of the criminal under treatment. Most recently we have observed the rise and fall of the justice model which, under the promise of identifying and implementing the true mission of probation, has likewise failed to deliver a practicable and believable plan for action.

It is the author's contention that these and other

general philosophies of probation have failed for two basic reasons. First, they have failed to acknowledge their fundamental continuity in thought and practice with all of their predecessors. Second, they have attempted to remove probation from its practical person-to-person setting by imposing definitions from an administrative wish-perspective that conflicts with the day-to-day realities faced by the line officer.

As far back as John Augustus the idea of conditional release was never viewed as a panacea. There were no illusions that it would work for everyone, but Augustus and his early followers carefully handpicked minor misdemeanants who were felt to be amenable to the intensive, personal attentions of Boston's do-gooders. Likewise, with the rise of the settlement house movement in the early 1900's, there was again an attempt by the well-heeled to reach out to the "deserving poor," those that could be trusted to make the best use of the opportunities afforded them (Lindner 1984).

It is, in fact, impossible to understand probation without an appreciation of its deep roots in the at least nominally Christian culture of the mid-19th century. Benefit of clergy, bailments, and the very idea of probation are impossible outside of a culture which at its roots allows the possibility of justice tempered by mercy. Against this backgound, and only against this background, can probation be understood as a mercy, grace in its classical manifestation as unmerited favor.

Without passing beyond Augustus, we may find an abundance of parallels with basic Christian doctrine throughout his journal. His criteria for bailments center around the subject's penitence. Unrepentant misdemeanants were generally found unfit. His association with the Martha Washington Temperance Society again reflects the strongly biblical base for the movement. Further, a review of his jorunal finds Augustus quoting scripture or reflecting its phraseology on numerous occasions.

We do not here intend to show some special religious affiliation on the part of Augustus, only that the culture in which he was raised and which molded his consciousness was thoroughly suffused with the ideas of law, justice, mercy, and grace as espoused originally in scripture.

From this biblical perspective, probation may be seen less as a function of justice than as a function of grace. It is a mercy offered to the poor, an escape from justice offered to the penitent. But, it is also a perspective entailing a rigorous demand for justice and equity whether or not the benefit of probation is granted.

Although we would not go so far as to impute religious motivation to either John Augustus or his followers, it is vitally important to realize that the civil religion of America has been shown on multiple occasions to share these same great themes with its Christian roots (Bellah 1975, 1978). It is only against such a background that probation is at all intelligible. As a scientific approach to rehabilitation or personality change, it is largely ineffectual. As a model for justice, its requirement for individualized treatment continually defeats the ideal of sentence parity. Only when viewed as an extention of mercy or grace—a reprieve from the virtual death of imprisonment—can we make sense of the system.

Beginning with the understanding that Augustus' original conception of probation was far more closely related to modern conditional discharge, or pretrial diversion, and without enshrining Augustus' ideas as gospel, it will be useful to take an honest look at some parts of his journal.

From the start, probation is conceived as a nonsanction. Reproducing a letter from the Christian Register, Augustus may be said to approve what follows as suggestive of the proper role of probation and its agents:

> There are many cases in which respectable security for the future good conduct of the offender, is sufficient to meet the full demand of justice. Now in these respects, the public magistrate of a large city, however merciful, cannot always trust his own clemency; for he represents the legal aspects of each individual case, and cannot often be acquainted with the circumstances which should mollify his decision. Hence the need for a prisoner's friend—of one who shall assume the position of Christian advocate, and shall represent the side of mercy in opposition to strict, untempered legality. We therefore regard the places filled by John August and John M. Spear as essential to the full organization of the lower courts. Duties of this class might be reduced to legal form, and delegated to officers specially appointed for the purpose . . . (Augustus 1984:65)

Although probation professionals have long been loathe to acknowledge the possibility, the history of probation, root and branch, defines itself (philosophically at least) as a nonsanction. In the monitor's words, cited above, probation represents the "side of mercy in opposition to strict, untempered legality," It is a reprieve from the "fangs of an unfeeling law." (Ibid.)

It is this element more than any other that makes the justice model of probation a less than satisfactory definition. Despite its punitive aspects, probation is at root "getting off." If we are to understand it, it must be in this light.

This is not to say that probation does not possess punitive aspects; what it does say, however, is that any punitive aspect is secondary to its humanitarian emphasis.

Law enforcement is likewise an essential part of the historical development of probation. Once more, John Augustus' journal reflects a pragmatism that includes room for strict enforcement.

> Would it not be more in consonance with the desires of the thinking part of society, and more productive of good, to allow such

> persons . . . to be bailed, on a plea of guilty, on the ground of their renouncing their business, and to discharge the bail by laying the indictment on file . . . . Such a course would be perfectly safe, for if one party should again be guilty of a violation of the law, the indictment can be taken from the file, and upon it the party can be brought in for sentence; with this indictment hanging over them, there is little danger of a new offense of a similar character. (Ibid.:73)

Accountability stands at the heart of Augustus' conception, and with it a careful examination of the prospective beneficiary to ensure that he is worthy of the chance.

> Great care was observed, of course, to ascertain whether the prisoners were promising subjects for probation, and to this end it was necessary to take into consideration the previous character of the person, his age and the influences by which he would in future likely to be surrounded, and though these points were not ridgidly adhered to, still they were the circumstances which usually determined my action. (Ibid.:34)

There are, in fact, large categories of offenders whom Augustus does not even consider as fit for probation treatment including : "common thieves, robbers," and various other felons (Ibid.:24). He generally felt that probation was a remedy fit only for minor misdemeanants. Among these, the repentant and those possessed with some hope of reformation were most often the recipients of his assistance.

The Augustus paradigm may be comprehended in a short outline form as follows:

I. The offender should be a minor misdemeanant.
II. He should be repentant.
III. His background, past behavior, and future influences should indicate that he is amenable to change.
IV. He must agree to submit to the conditions of release.

These points should be more than familiar to any probation officer, as they represent much of the same basic logic applied to the field today. They are especially reflective of the criteria applied in pretrial diversion procedures. Although modern probation practice has virtually done away with the first two requirements as initial criteria for general probation cases, they nonetheless represent the ideal probationer towards which our presentence investigative efforts, and postsentence evaluative efforts, look.

It is important to remember that while probation has changed dramatically since Augustus' time, people as a whole have not. We may expect, therefore, that the commonsense notions of a fanatical servant of the good of others might hold some insight for dealing with people in modern times. So, we may expect that if Augustus' observations were at all valid, they should continue to appear as controlling variables in probation generally.

Where, however, are we to look for general principles that apply broadly to the field and not to one perspective alone? The answer, of course, is the courts. For it is from the courts that we receive our license to function and in the context of which we ply our trade. We are ultimately and almost inextricably bound to the courts by the nature of our position. It should not, therefore, seem unreasonable to turn to the courts for a balanced definition of what we are.

When, however, we look to the courts for a definition, we come very close to the ideas originally held by Augustus. The annotations to the 1925 probation law (18 U.S.C. 3651) include the following definition:

> The basic purpose of probation is to provide an individualized program offering a young or unhardened offender an opportunity to rehabilitate himself without institutional confinement under the tutelage of a probation official and under the continuing power of the court to impose institutional punishment for his original offense in the event that he abuse such opportunity, and courts have a wide discretion to accomplish such a purpose.
> *Robert* v. *U.S.*, 64 S. Ct. 113, 117

Other definitions provided by the courts have emphasized that it is a legislative grace extended to the repentant. Most succinctly, they were summed up by the Court of Appeals for the Seventh Circuit when it held that . . .

> The purpose of probation is to provide a period of grace in order to aid the rehabilitation of a penitent offender and to take advantage of an opportunity for reformation which actual service of the suspended sentence might make less probable.
> *U.S.* v. *Torres-Flores*, 624 F.2d 776

This definition goes not only to the heart of the history of probation, but resonates with the normative experience of probation practice. With Augustus, the courts define probation as a legislative grace. It is manifestly getting off, but getting off subject to conditions. No one, however, has made it an axiom of probation practice that those conditions have to be easy. In fact, the courts have also held that punishment may be an incidental part of probation but not its central goal. This was the finding of the Illinois Circuit Court of Appeals in *Higdon* v. *U.S.*, 637 F.2d 893. Further, the courts have been given by the legislature what have been repeatedly defined as broad discretionary powers to set conditions of probation in order to assure that ample opportunity is given the probationer to obtain whatever rehabilitation he may and to ensure that the safety of the community is preserved.

Under such definitions, we are remined that although providing the context for rehabilitation and, perhaps more accurately, simply recording the observed presence or absence of the indicia of such changes, we are simultaneously charged with the protection of the community through enforcement of the court's orders and careful observation of the client's relative compliance.

In respect of the views of Augustus and the courts, a very different function of probation begins to emerge. Rather than presenting itself as a sanction,

probation, reaffirmed as a nonsanction, takes on the character of a grace. As such, it rather easily becomes identifiable as part of the legitimative structure of the criminal justice system.

Because mercy and grace, in the form of probation, accounts for more than half of the criminal sentences in the Federal system (Walker 1978:175), the system may be said to present itself as fair, and so legitimate, in that a chance is made available to almost all but the most dangerous and the most hardened. This peculiar type of legitimation of judicial process may be traced to ancient times when it was not uncommon for an emperor or king to release a prisoner, especially those condemned to death, on the great feast days of the prevailing religion. A very familiar case in point was the release of Barabbas on the eve of Passover, as attested in the New Testament. We may, in modern times, see that probation, while not strictly analogous, is regularly viewed as a reprieve from the de facto (if not de jure) civil death of imprisonment.

According to Robert Bellah (1975), by the mid-19th century, the values of American political life and the earlier values of a nearly homogeneous, protestant, Anglo-Saxon, 16th and 17th century America had become nearly identical. In this context, the emergence of grace as an integral part of the legitimative scheme of American justice should come as no surprise at all. Further, with the ancient character of America in myth and archetype presented as a refuge, there was perhaps no fitter institution for addition to the arsenal of the courts.

It was during the second awakening, centered around the abolitionist controversy, but characterized by increased interest in the care of prisoners and the reform of drunkards, that Augustus and Judge Thatcher, his conceptual forbearer, appeared. Not insignificantly, it was in Massachusetts, the very center of colonial protestantism, that they began the practices that ultimately defined the modern field of probation. Augustus, then building on Judge Thatcher's already great readiness to rely on recognizances (Hussey and Duffee, 1980:39), added the elements of supervision and the careful selection of repentant misdemeanants, and in miniature form recreated the perilous gospel of Jonathan Edwards by allowing the probationer to dangle in the realm of grace between ultimate redemption and a return to the pit of institutionalization.

This was not only an idea whose time had come, it was an idea that spoke to the very heart of protestant America: Probation as mercy, rehabilitation as redemption, all available to the repentant, through the graces of a manifestly just government that ministered the favors of a merciful God.

By the turn of the century, probation had spread to several states. Significantly, the earliest probation programs were in protestant New England. It thereafter spread to Chicago and then to the rest of the country (Abadinsky, 1982:22).

Having taken this brief view of the history of probation, it will perhaps become apparent how and why a return to its conceptual roots, and its definition through the courts, is essential to grasp the real meaning of probation. Any definition other than a legislative grace, providing opportunity for rehabilitation, subject to some level of verification, significantly decreases the value and the integrity of probation as practiced and originally conceived. This historical and legitimative perspective is the only one broad enough to comprehend the equally erroneous medical and law enforcement models, while providing room for both approaches within probation broadly conceived. Not only that, but there is room to extend grace to whomever the courts will, so that as ministers of grace (as the protestant archetype would phrase it), probation officers may be expected to supply supervision, law enforcement, and social service functions to a broad base of clients without contradicting the essential meaning of the profession.

It is finally when probation is understood as the systematic extension, supervision, and evaluation of an essentially unwarranted opportunity for self-improvement, that the much vaunted law enforcement/social work dichotomy is finally laid to rest in a conceptual framework broad enough to provide both necessary parts of the task. It is also from this perspective that justice, conceived as mercy and grace, becomes determinative of real fairness, not mindless adherence to arbitrary standards.

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The Butner Research Projects: The First 10 Years

BY CRAIG T. LOVE, JANE G. ALLGOOD, AND F. P. SAM SAMPLES*

Introduction

THE FEDERAL Correctional Institution at Butner, North Carolina has a controversial yet rich history. It emerged from a stormy 20-year planning period to become an internationally known institution visited by corrections officials worldwide and emulated on nearly every continent. Corrections experts consider it to be a model prison with a uniquely calm atmosphere. This article presents the results of 10 years of research and operations at this institution.

At the time the institution was opening and receiving inmates, Levinson and Deppe[1] described the mission as being: "(1) to provide intense psychiatric care for severely psychotic and acutely suicidal male and female federal offenders; (2) to provide an opportunity to develop and evaluate a variety of treatment approaches; and, (3) to provide a staff training center for middle management and executive level correctional personnel."[2] The training center never became a reality nor did treatment of psychotic female offenders, but the rest of the mission did come about and was subsequently described by Ingram[3] as consisting of two areas: "(1) to provide a facility for severely psychotic and acutely suicidal Federal offenders and (2) to develop and evaluate a variety of treatment (program) approaches."[4] Ingram described two of the populations housed in the institution: the mental health population and the research population. He discussed the optional programming aspect of the institution for the research inmates and the effect greater personal choice for the inmates had on the entire institution. At the end of the first decade of operation, it is fitting to explore the effect optional programming had on not only "in prison" behavior, but also on recidivism and employability after release.

The first project undertaken in the Butner research program was the implementation and evaluation of a model of imprisonment proposed by Professor Norval Morris.[5] Morris suggested that our society has an investment in preserving the rights, freedom, dignity, and individuality of all its members, including prisoners. To the extent that prison reflects the values of society, it is important that correctional practitioners limit the restrictions placed on prisoners to those necessary to safely confine them. According to Morris, "(p) rison is, in practice, the ultimate power the democratic state exercises over a citizen."[6] The essential principle in his model is to use the minimum coercion necessary to confine the prisoner for the period of time prescribed by the courts. The function of prison staff, beyond the basics of confinement, is to exercise the least amount of necessary control over the daily lives of prisoners and to assist in the protection of their rights, freedoms, and dignity.

Professor Morris explained this concept with four basic principles:

1. Self-help programs must be offered but not required. Special care must be taken to avoid even the appearance of available incentives outside the value of the programs offered.

2. Prisoners must have a predetermined length of stay at the institution. This is one of the mechanisms by which potential staff manipulation is removed.

3. The institution program must include a gradual testing of the prisoner's suitability for release. The gradual release procedure must be unrelated to the inmate's program participation and must be established shortly after the inmate arrives at the institution.

4. "The general pattern of life within the institution should be as similar as possible to the ordinary working life of a citizen in the community."[7] This was to be manifest in such forms as private rooms, personal clothing, and freedom of movement about the institution.

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[1] Dr. Levinson was administrator, Inmate Program Services, Bureau of Prisons, Washington, D.C. and Dr. Deppe was warden, Federal Correctional Institution, Butner, North Carolina.

[2] Robert B. Levinson, Ph.D. and Donald A. Deppe, Ph.D., "Optional Programming: A Model Structure for the Federal Correctional Institution at Butner," *Federal Probation*, June 1976.

[3] Dr. G. L. Ingram was warden at the Federal Correctional Institution, Butner, North Carolina.

[4] Gilbert L. Ingram, "Butner: A Reality," *Federal Probation*, March 1978.

[5] Norval Morris, *The Future of Imprisonment*. (Chicago: The University of Chicago Press, 1974).

[6] *Ibid.*

[7] *Ibid.*

This model was offered at a time when "mainstream" correctional philosophy was undergoing a major upheaval. Martinson's [8] widely distributed paper criticized studies that purported to support the rehabilitation model of corrections. Martinson's paper was interpreted by many in corrections as demonstrating that rehabilitation did not work. Thus, the program suggested by Professor Morris represented a departure from contemporary correctional philosophy and was offered during a period in correctional history that marked the initial decline of the rehabilitation model.

However, the proposed model did not represent a complete departure from the traditional rehabilitation approach. Professor Morris included therapeutic or "small living groups" in the model. They were to include intensive therapeutic sessions in which inmates were encouraged to review their lives and discuss their own involvement in criminal activity. These groups represent the only exception to the voluntary programming feature of the model.

Professor Morris strengthened the utility of his model by specifying the design in which it could be tested. The institution in which the model would be tested must be relatively small (200 inmates) and comprised entirely of participating inmates. Participants would include only inmates who were: 18-35 years of age (to avoid "burnout"); repeat and violent offenders; within 1 to 3 years of release from incarceration (to permit a reasonably timed followup); and randomly selected. Selected inmates would be randomly assigned to experimental and control groups. An "opt-out" procedure was prescribed to allow experimental inmates to return to their former institution without any negative consequences. This was offered as an ethical compromise to the requirement that randomly selected inmates be moved to Butner. Morris also stipulated that the study was to be conducted by a group administratively independent of the prison.

According to Morris, the major dependent measures for comparing the randomly assigned experimental and control groups must include: post-release behavior; cost of operating the model; humaneness of the institution; effect of the program on the rest of the prison system; and its effect on staff attitudes and careers. These specifications required a study of the model with difficult and sophisticated inmates and it included a unique approximation of an experimental design. The adaptation of this model and design in an ongoing prison could offer a major contribution to corrections if it could be shown that prisons housing difficult offenders could function without major incidents. It would also be of interest to the correctional community to demonstrate that the Morris model resulted in reduced recidivism rates.

STUDY I: INSTITUTION PERFORMANCE: A University of North Carolina (UNC) research team, under the direction of Professor Lee Bounds, began the project in July 1976. Data included in the study report[9] were limited to inmates released after January 1, 1977. Problems in implementing the study required the elimination of data from inmates released prior to that date.

Bounds et al. defined their mission as the assessment of the effects of the model prison on inmate behavior and on the administrative management of that institution. The UNC team also assumed the task of identifying the elements of the model that were actually implemented. It is important to note that the model was assessed within the total institution environment, and the impact of each element of the model was not separately assessed.

Morris specified his model of imprisonment with the Illinois State Prison System in mind. As a result, he assumed the model prison would operate within the administrative and philosophical confines of that system. Differences between the Illinois State Prison System and the Federal Prison System were addressed in making modifications to the model when implementing it at FCI Butner.

One of the major differences from the model noted by Bounds et al. was the fact that only two of seven living units included participants in the research program. That is, the entire institution was not included in the program. Nonetheless, the institution, at the time of the study, accommodated individual housing for 340 inmates and was relatively small in comparison with other Federal prisons. FCI Butner has the physical design of most new Federal prisons including separate administrative buildings with individual housing units surrounding a central compound offering support functions and program facilities. This is quite similar to the arrangements envisioned by Morris. Most other deviations included composition of staff and a few differences in Bureau furlough policies. The remaining characteristics of the model specified by Professor Morris were, in fact, implemented at Butner.

Method

Subjects: Participants were randomly selected from a pool of all eligible male inmates in the custody of the Bureau of Prisons from July 1, 1976 through May 1, 1979. They were randomly assigned to the

[8] R. L. Martinson, "What Works? Questions and Answers about Prison Reform," *Public Interest*, 35:1974, p. 22-34.

[9] V. L. Bounds et al., *Evaluation Study of a Model of Imprisonment Tested at the Butner FCI: Final Report.* (Chapel Hill: Institute for Research in the Social Sciences, 1979).

experimental treatment at Butner (n = 460) or remained in their respective institutions serving as the control group (n = 258). However, because of initial difficulties in establishing the project, only 687 prisoners were included in the study (438 Butner experimental and 249 controls).

Bounds et al. maintained the distinction between release status groups. The experimental and control groups were roughly equivalent in distributions of: CTE—inmates whose sentences were continued to expiration (64.4 percent); FPD—inmates assigned fixed parole dates by the U.S. Parole Commission (23.0 percent); and IRH—inmates assigned release dates by the U.S. Parole Commission shortly after being selected for participation (12.7 percent). The sample included in the Butner experimental group was reduced by 93 Butner experimental inmates who exercised their option to return to their former institution ("opt-outs") and 10 control FPD inmates who were not informed of their parole dates. The resulting sample included 584 prisoners comprised of 345 experimental and 239 control prisoners.

All Federal prisoners were eligible who:

- — had one or more prior convictions and/or
- — had a conviction for a violent offense.
- — were between 18 and 35 years of age.
- — had a release date within 1 to 3 years of selection.
- — did not require special mental or physical care beyond that offered in any Federal prison.
- — were not involved in notorious crimes or members of militant groups.
- — had a release residence in the Southeast part of the United States.

Procedure: Members of the experimental group were transferred to FCI, Butner from their previous institutions. They were informed by the unit team that they would have 90 days in which to decide whether they would remain at Butner or return to their previous institution (i.e., "opt-out"). They were also told that they would maintain this "opt-out" privilege throughout their stay at Butner. After the 90-day period, each inmate had a formal meeting with the unit team during which he expressed his decision. Inmates who chose to remain at the facility were given graduated release plans that specified dates of furlough eligibility, town trips, and dates of release to a half-way house. It was also specified that their program participation would not affect these dates, and they were encouraged, but not required, to participate in the small living groups. The control inmates were not informed of their participation in the project and only central file data were collected from them.

Inmates in the Butner group were interviewed on arrival (Phase I) and during the middle portion of their stay (Phase II). Staff members at Butner were also interviewed periodically during the course of the study. Central file data were collected from institution records of both the experimental and control groups. These data provided information on program participation, incident reports, work assignments, and visitation.

Results

Descriptive Characteristics: Bounds et al. reported no statistically significant differences between the Butner experimental and control groups (See table 1). The greatest difference was found in comparisons of the two groups on longest prior sentence. The experimental group served an average of 36.4 months, but the control group had served an average of 28.0 months. This difference is in question because data were not available from nearly one-third of the total population (101 cases missing from the experimental and 74 from the control groups).

TABLE 1. COMPARISONS OF BUTNER RESEARCH PARTICIPANTS AND "OPT-OUTS" AND CONTROL GROUP INMATES*

Variable	Butner				Other Instituions
	Research Groups				Control Group
	Remained (n = 345)		*"Opt-outs"* (n = 93)		(n = 249)
Race					
nonwhite	180	(53.4%)	40	(41.7%)	120 (52.2%)
white	157	(46.6)	56	(58.3)	110 (47.8)
Marital Status					
married	109	(35.7)	26	(28.9)	80 (37.9)
single	92	(30.2)	32	(35.6)	73 (34.6)
other	104	(34.1)	32	(35.6)	58 (27.5)
Mean Age	34.9		34.8		34.5
Mean Education	9.9		10.1		9.9
Mean Age at First Arrest	17.8		17.8		18.0
Total Number of Prior Arrests	11.6		10.0		11.8
Total Number Prior Commitments of 6 or more months	3.3		3.0		3.0
Longest Prior Sentence	36.4		36.6		28.0
Length of Current Sentence	80.1		52.8		73.6
Severity of Offense	3.9		3.8		4.2
Salient Factor Score	4.7		5.1		4.6

*Adapted from data provided by Bounds et al.

Other characteristics of the two groups suggest a sophisticated criminal population. For example, the combined mean age at first arrest (17.9 years) reflects the large number of offenders (23.1 percent) who were first arrested while 5 to 14 years of age. Nearly half (47.8 percent) were arrested for the first time during their 15th to 19th years.

The 93 inmates who "opted-out" differ from the remaining experimental inmates only in terms of the length of their current sentence. That difference was statistically significant ($p = .01$). The "opt-outs" had an average of 52.8 months to serve, and the balance of the research inmates had an average of 80.1 months to serve in their total sentence. They did not differ on any other variables.

Inmate Adjustment: Complete data were available for 345 Butner research inmates and 239 control inmates. In general, Butner research inmates committed slightly fewer incidents than did their control group counterparts. More Butner inmates had zero incident reports attributed to them (68.7 percent) than did the control group (64.9 percent) during the 3-year observation period. Further, the control group included a slightly greater number of inmates with more than one incident report (17.9 percent) than did the experimental group (14.2 percent). However, the mean number of incidents (adjusted for exposure time) per Butner research inmate (.610) did not differ significantly from the control group rate (.775). The distributions of the two incident rates is highly skewed (nearly two-thirds of the scores in each group are zero) and may mask any differences that exist.

Mean severity levels of incidents, adjusted for time of exposure to the respective Butner or control facilities, showed no significant differences between the experimental and control groups. The severity levels of infractions committed by the control group were slightly higher (adjusted mean = 1.57) than were infractions committed by the experimental group (adjusted mean = 1.26).

Incident reports are a function of several factors in any given institution including: inmate behavior; expectations of staff regarding inmate behavior; and the institution policy and philosophy of rule enforcement. One general basis for differentiation of these factors is security level of the institution. For example, a light punch on the arm by one inmate on another might be viewed differently by staff at a camp than it would at a level 5 penitentiary. The Security/Custody Classification program provides a means of identifying institutions and inmates in terms of security levels provided and needed, respectively. Love and Ingram[10] used this approach to compare the Butner research inmates at each security level with inmates of matching security levels in other institutions. Inmate-on-inmate assault rates at Butner (0.15 assaults per 100 inmates per month) were found to be more comparable to the rate of level 2 inmates (0.12) than level 3 (0.27) or 4 (0.28) institutions. This is a significant finding since more than 70 percent of Butner's research inmates are classified in the higher security levels (3, 4, and 5).

Program Participation: Data used in these analyses were drawn from the Inmate Program Reporting System (IPRS) which Bounds et al. noted has limited reliability. The IPRS data monitors inmate enrollments, withdrawals, and completions of programs in vocational training and education, recreation, counseling, psychology, and release programs.

Based on available data, it is reasonable to assume that the two groups were exposed to roughly equivalent program opportunities. Program offerings at Butner were not substantially different from those of any other institution in the Bureau of Prisons. Further, frequencies of incomplete records, pending programs (ongoing or reports not yet complete) were no different between the control and experimental groups, according to Bounds et al.

Butner experimental inmates enrolled in and completed more programs than did the control group inmates. The mean number of program enrollments (adjusted for time in residence) for the experimental group (3.48) is more than double the control group enrollment rate (1.46). A similar difference occurred with occupational and educational programs. The adjusted mean number of experimental group enrollments (1.93) is more than twice that of the control group (0.98). Overall completion rate differences are even stronger. The experimental group completed more than three times as many total programs as the control group (adjusted means = 2.73 and 0.93, respectively). Educational and vocational programs showed similar differences. All differences are statistically significant.

Inmate Perceptions of Butner: Staff of the UNC team interviewed Butner research inmates from 60 to 90 days (Phase I) and 6 or more months (Phase II) after their arrival at the institution. These data were included to provide an additional subjective perspective of the effects of the Butner model. Nearly all (98 percent) of the inmates approached consented to participate in both interviews.

The type of institution from which the inmates came appears to have influenced their attitudes toward the two institutions. In general, the higher the security level of the inmate's previous institution, the more likely he would expect to like Butner and less likely he would want to return to his previous institution. A vast majority of camp and level 1 in-

[10] C. T. Love and G. L. Ingram, "Prison Disturbances: Suggestions for Future Solutions," *New England Journal of Prison Law*, 8: 1982, p. 393-426.

mates liked their previous institution (84.3 percent) and few (12.5 percent) expected to like Butner. Exactly half of these inmates planned to return to their previous institutions. This contrasts with the reported attitudes of inmates from higher security institutions. Only 9.8 percent of the penitentiary inmates expected to return to their former institutions with 42.8 percent reporting they liked their previous institution.

Inmate perceptions of Butner were usually formed before the inmates arrived and tended to have a positive bias, according to the interviews. Most inmates expected to like the facility, and this expectation was colored by the type of institution from which they came as well as Butner's reputation among inmates and Bureau of Prisons staff. The UNC research team noted that these factors were not related to ratings of specific aspects of the Butner model. Nor did the manner in which they were transferred, housing status changes, or program offerings influence inmates' ratings of other aspects of the institution. There is little support to the argument that these factors had any lasting influence on the behavior or attitudes of the Butner research inmates.

Research inmates did not perceive program offerings at Butner to be much different from those at other institutions. When asked to identify differences between Butner and their previous institution, 12.1 percent of the inmates claimed Butner's programs were better and 5.3 percent claimed they were worse. Further, one of the major reasons given for inmate opt-outs was to return to a program available at their previous institution (14.6 percent) but not available at Butner. Others chose to return to their previous institutions because of a general lack of programs available at Butner (7.3 percent). The most positive aspect of programs at Butner mentioned by the inmates was that they were voluntary (9.2 percent).

At the end of the initial 90-day waiting period, inmates were offered their first opportunity to return to their former facility (i.e., to opt-out). The Phase I interview was scheduled to coincide with the inmate's decision to stay or leave. One specific question dealt with the basis for the inmate's decision. The 334 inmates who chose to stay listed several factors which influenced them, including: "hassle going back" (24.0 percent); "closer to family" (20.0 percent); "programs" (19.2 percent); "living conditions" (16.8 percent); "release opportunities" (16.5 percent); and "better staff" (10.5 percent). The major reasons given by the 82 (19.1 percent) inmates who opted to leave included: "further from family" (53.6 percent); "release opportunities" (15.8 percent); "programs at previous institution" (14.6 percent); and "prisoners worse at Butner" (14.6 percent).

Inmates were asked to rate, on a four-point scale, their satisfaction with several identified features of Butner. The five features most frequently rated in the highest (most positive) category were: "inside appearance of Butner" (95.4 percent); "cleanliness of unit" (93.2 percent); "safety of unit" (93.0 percent); "newness of Butner" (92.3 percent); and "physical layout" (87.7 percent).

Inmates Perspective Regarding Butner after 6 or More Months: Phase II interviews were conducted on all inmates who had served at least 6 months at Butner. Of the 135 inmates eligible for interview, 6 were not available for various reasons and 3 declined to be interviewed. This represented a 98 percent acceptance rate which is similar to the acceptance rate for Phase I interviews. The participating inmates included 46 percent white and 54 percent nonwhite. Custody status at the time of the interview was 53.9 percent with "community" custody, 28.6 percent "out" custody, 12.7 percent "in" custody, and 4.8 percent "close" custody. This represents a reduction in custody for 76.2 percent of the inmates, an increase for 3.9 percent, and no change for 19.9 percent. A majority of the inmates were in single-bunked rooms (70.6 percent) with 19.8 percent being in double-bunked rooms and 9.6 percent in open bay areas.

Inmates reported being satisfied with their units with "safety" being the most highly rated with 94.4 percent of the inmates rating it as satisfactory. The other items included: "friendliness" (93.6 percent); "cleanliness" (86.1 percent); "fellow prisoners" (76.1 percent); "quietness" (64.9 percent); and "staff" (61 percent). Approximately 84 percent reported liking their jobs within the institution.

Table 2 shows factors inmates felt made it either easy or hard to do time at Butner. The responses to

TABLE 2. INMATE-GENERATED DESCRIPTIONS OF WHAT MADE IT "HARD TO DO TIME AT BUTNER" AND "EASY TO DO TIME AT BUTNER"

(Responses listed represent the 5 most frequently given responses to each item)

Things that made it hard to do time at Butner		Things that made it easy to do time at Butner	
Response	*Percent of Respondents*	*Response*	*Percent of Respondents*
Nothing	30.1%	Safe and Relaxed	32.5%
Boredom	23.8	Loose Security	27.7
Poor Prisoners (snitches, mental health, etc.)	17.5	Living Conditions	25.4
Staff Playing Games	11.9	Open Communications	25.4
Bad Attitudes of Staff	6.3	Voluntarism in Programs	17.5

what makes it easy are in keeping with the Morris model. The safe and relaxed atmosphere, loose or seemingly relaxed internal security, and open communications are all areas Morris wanted achieved with his model.

The elimination of coercion in program enrollments is a central feature of the Morris model. When asked about the influence program participation had on staff helpfulness toward them, 53 percent of the inmates felt it affected staff, 42 percent felt it did not affect staff, and 5 percent were undecided. The perceived effect program participation had on custody changes was similar with 47 percent of the inmates feeling it affected custody changes and 48 percent feeling it did not. This also held true for perceived effect on furloughs with 40 percent feeling program participation affected furloughs and 54 percent feeling it did not.

An additional major feature of the Morris model is the Graduated Release Plan. The plan is designed to provide inmates a systematic testing of their release readiness and to establish eligibility dates for furloughs, town trips, and half-way house transfers at the outset of their stay at Butner. Most respondents (69.1 percent) felt they had no input in their programs and 12.2 percent thought they had a lot of influence. Nonetheless, a majority (52.8 percent) were satisfied or very satisfied with their plans and 41 percent were dissatisfied or very dissatisfied with the plans provided. A frequently cited reason for their satisfaction is that they liked the certainty established by the plan. This level of satisfaction is surprisingly strong in light of the report that 56.1 percent of the inmates were not consulted prior to the assignment of the program and only 39.8 percent did participate in the development of the plan. The remaining respondents did not remember whether or not they talked with the staff before the team meeting.

Staff Perspectives about Butner: The staff members at Butner were surveyed in 1977 and again in 1979 for their perceptions of how the institution was operating and how well the institution was accomplishing its mission. The Correctional Institution Environment Scale[11] was used in both years along with an instrument titled "Butner Staff Survey" developed by the UNC team to assess management styles and issues. The focus of the UNC team was highly theoretical and did not yield many of the facts commonly found on survey instruments used by the Bureau of Prisons.

The staff survey showed a generally positive attitude toward Butner as an institution and toward the programs offered. Approximately 75 percent of the staff members were satisfied with the level of personal safety they felt they had on the job in the 1977 survey and in 1979. They were nearly unanimous in their approval of the degree of open communication between inmates and staff while being aware of the inherent danger in familiarity between inmates and staff. The physical layout of the institution was acceptable to 60 percent of the staff and 75 percent of the staff members were satisfied with the level of cleanliness of the institution.

Before arriving at Butner, approximately 75 percent of the staff expected to like the institution and their jobs within the facility. In both 1977 and 1979, approximately 40 percent of the correctional officers felt they were involved or very involved in their jobs. The unit staff members had 60 percent feeling high involvement in their jobs during the 1977 survey and only 33 percent feeling they had high involvement in 1979. When asked if they would still come to Butner if they had that decision to make again, 50 percent stated they would again decide to come to this facility.

STUDY II: FOLLOWUP EVALUATION: Witte, Woodbury, Smith, Barreto, and Beaton[12] reported the effects of the Butner model on post-release behavior of the inmates in Study I. They predicted that the noncoercive features of Butner would result in better post-release performance among the experimental group than the control group. The authors concluded from a review of the Bounds et al. study that the initial similarities of the Butner experimental control group inmates in the random assignment procedure allowed the assumption to hold that differences in post-release performance between the two groups could "be unambiguously attributed to program participation."[13] Post-release performance was measured in terms of rearrest, conviction, and other criminal behavior variables, as well as economic and labor performance data.

Method

All experimental and control inmates identified in the Bounds et al. study were eligible to participate in this portion of the study. There were a total of 724 experimental and control inmates for whom an attempt was made to collect data. There was no significant difference between the experimental and control inmates in number of missing cases.

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[11] R. Moos, *Evaluating Correctional and Community Settings.* (New York: John Wiley, 1975).

[12] A. D. Witte et al., *The Effects of a Less Coercive Internal Prison Environment and Gradual Reintegration on Post-Release Performance: An Evaluation of Morris' Model of Imprisonment as Implemented at the Federal Correctional Institution at Butner, NC.* (Chapel Hill: Institute for Research in the Social Sciences, 1983).

[13] Bounds et al., p. ii.

Parole data were available on 396 of 418 individuals who were on parole. Income data were provided by the Social Security Administration in clusters, providing salary levels for groups of 4 or 5 inmates at a time. These data were available for 691 of the 724 eligible inmates. Post-release performance of inmates released through 1979 was monitored during 1980 and 1981.

Results

During the followup period, approximately 58 percent of the experimental group and 52 percent of the control group were arrested with 65 percent of those arrested in the experimental group being convicted and 60 percent of those from the control group being convicted of a new offense. When the number of new offenses was examined, it was found that the experimental group had an average of 1.3 arrests and 0.6 convictions during the followup period as compared to 1.1 arrests and 0.5 convictions for the control group. The experimental group included 40 percent of its members arrested for a crime against persons and 30 percent for a crime against property while the control group included approximately 30 percent arrested for a crime against persons and 45 percent for a crime against property. The length of time from release to first arrest was also examined with the experimental group experiencing no arrests for approximately 16 months and the control group for 14 months.

The post-release labor market performance was based on data provided by the parole officers and the Social Security Administration. Overall, the control group individuals received a higher wage on their first job after release, but the experimental group individuals improved their hourly wage rate by more than did the control group. The control group averaged approximately $4.90 an hour as compared to $4.65 for the experimental group as starting wage with the experimental group members increasing their wage an average of $0.62 as compared to $0.40 per hour. The study by Witte et al. demonstrates no tangible differences between the two groups. Variance does exist on some variables but not at a level that has any real significance for correctional administrators. In her general summary of her study, she states it was neither a total success nor a total failure thereby indicating it neither hurt the two groups nor did it particularly help the two groups in post-release criminal activity and post-release employment.

General Conclusions

Program Implications: The results of the series of research studies have been mixed. On the one hand, it has been clearly demonstrated that a group of sophisticated and dangerous offenders can be successfully housed in an environment predicated on the concept of humane incarceration which includes emphasis on individual rights and freedom as part of the confinement. This population, which is usually difficult to manage, functions very well under these circumstances. When inmates were allowed to volunteer for programs, they not only participated in more programs, but also completed more programs. They also had fewer disciplinary problems and fewer assaults than is usually obtained from inmates of the same security level in other institutions. The failure to achieve a major breakthrough in the followup was disappointing but not surprising. The rates showed no difference, leading to the conclusion that the model has not done any harm nor has it resulted in any improvement in post-release criminal behavior.

The most important contribution of this research rests on its demonstration of a viable philosophy that leads to the successful management of prisoners. The model has resulted in a more positive environment and rendered a difficult, hardcore population of prisoners easier to manage.

Management Implications: One of the side effects of this type of prison environment is that traditional management techniques are not as effective and a new management philosophy is necessary. In fact, prison administrators from around the world have made the common observation that correctional institutions have a personality of their own. Although there are many obvious features about FCI, Butner that contribute to its relaxed atmosphere, one must consider the institution as a total milieu in addition to understanding the functions of its individual parts.

The clearly and consistently expressed multiple missions of FCI, Butner (research, mental health, and general population) differ in their goals and involve highly trained staff members from many different disciplines. These departmental staff members, nonetheless, are highly cooperative and very sensitive to each other

Management requirements of the institution are exceptionally complex, and to understand the institution and how it "works" is to understand the function of each organizational facet and its integration into the total organization. There are many power groups who demand optimum conditions to achieve their departmental goals. The major influences within the institution are centered on the executive staff and its subordinate functions, mental health staff, correctional services staff, living unit staff, and industries staff. The parameters of discretion among major centers of decisionmaking areas are delicately balanced and can be disrupted with the least amount

of change. The most important management tools for the continued success of this institution are communication and flexibility. Any slight change in operating policy for one staff group will probably affect other staff groups.

As a result, the warden of this type of institution is the goal-setter, the leader, and the referee. The warden has no greater responsibility than to ensure that every department head in the institution works within the administratively established parameters so that the many delicate power and responsibility balances are kept in near perfect harmony. The balancing act to assure that all institutional missions are being achieved has come about due to many factors, including the historical development of the institution's missions, the varying work environments required to carry out the missions, the philosophic and/or professional orientation of a large segment of staff, and dictates of Bureau of Prisons policy.

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Prison Officer Training in the United States: The Legacy of Jessie O. Stutsman*

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ON JANUARY 2, 1930, the first training school for Federal prison officers opened its doors at 427 West Street in New York City. Two months earlier, Jessie O. Stutsman had been asked by the Superintendent of Federal Prisons, Sanford Bates, to become the Director of the United States Training School for Prison Officers. Stutsman agreed and began the final and most productive phase of his distinguished career.

Born in Indiana in 1877, J. O. Stutsman was ordained as a Methodist minister in the early 1900's. He became disillusioned with the ministry and moved his family to Maryland soon after to pursue a degree in chemistry at Johns Hopkins University. While working part-time as an assistant pastor in Baltimore, he became affiliated with the Prisoners' Aid Association of Maryland. Appointed General Secretary of the Association in 1906, Stutsman began a 27-year career in corrections during which he would become an instrumental force in the development of professional training for first-line prison officers.

Following 5 years with the Prisoners' Aid Association, Stutsman moved into state and local prison administration with positions in Kansas City and Detroit. In 1920, he became Superintendent of the Rockview Penitentiary in Bellefonte, Pennsylvania and, eventually, of the United States Detention Headquarters in New York City. In 1926 Stutsman authored *Curing the Criminal* that was to become a standard text in penology. Written from the perspective of a prison administrator, the book brought a new synthesis of theory and practice to the literature. As Stutsman states in his Preface:

> Many able and comprehensive articles have appeared from time to time on sporadic phases of criminology and correctional methods; but seldom has any prison manager undertaken to present a concise statement of the philosophy and practice of modern methods.[1]

In addition to his major text, Stutsman also published two articles on the role of prison officers in *The Prison Journal*[2] and *The Annals of the American Academy of Political and Social Sciences.*[3]

History of Prison Officer Training

Before describing the events immediately preceding the Federal training school operation, a brief history of earlier efforts to train prison officers will help to set the context for events in New York City. The first documented attempt to formally train prison guards was apparently undertaken in Ghent, Belgium in 1834.[4] Later discontinued, a similarly structured school was established at the Luneburg Prison in Hanover, Germany in 1859. Fully developed, the school graduated 16 students after a 1-year course of study that included practical experience assisting a regular prison officer. The school was apparently discontinued in 1868 as the need for personnel declined.

During the last half of the 19th century, prison service schools were also being developed in France, Switzerland, and Italy.[5] These schools were usually residential and ran from 3 months to 1 year in length. Their activities emphasized military drill, physical training, and routine prison duties. Each, however, had some form of academic training as the students could be presumed to have little, if any, prior formal education. The establishment of prison officer training schools in Europe also became the focus of some attention at several international prison conferences. At both the London International Penitentiary Congress in 1872 and the International Prison Congress of Stockholm in 1878, it was affirmed that theoretical and practical training of prison officers was critical to the operation of a modern prison.

By the early 20th century, the movement to provide prison officers with formal training had spread to Japan and England. In 1908, Japan opened an academy for prison officers and by 1925 had grad-

*Much of the material drawn upon in the latter sections of this article comes from the private papers of J. O. Stutsman, made available to the author by his late daughter, Rachel Ball, as well as correspondence, forms, and records of the Bureau of Prisons located in the National Archives, Washington, D.C. An earlier version of this article was presented at the 1985 annual meeting of the Academy of Criminal Justice Science.

[1] J. O. Stutsman, *Curing the Criminal.* New York: MacMillan, 1926, p. VII.

[2] J. O. Stutsman, "A Uniform, a Club and a Gun; or a Profession," *The Prison Journal,* XI(1), 1931, pp. 4-11.

[3] J. O. Stutsman, "The Prison Staff," *The Annals of the American Academy of Political and Social Science,* 157, September 1931, pp. 62-71.

[4] Thorsten Sellin, "Historical Glimpses of Training for Prison Service," *Journal of Criminal Law, Criminology and Police Science,* 15, 1934-35, pp. 594-5.

[5] Ibid., pp. 596-8.

uated more than 2,000 officers.[6] England soon followed the trend, and the British Training School for Prison Officers was begun at Wakefield in 1925.[7] The Wakefield school began with 8 weeks in residence and included a strong emphasis on the history of prisons, prison reform, causes of crime, and the role of education in rehabilitation. The largely theoretical training in residence at Wakefield was followed by 2 months of intensive in-service training at the officers' first posting. Here the new officers would be instructed by senior officers regarding the daily operations of the prisons. For the next 8 months, the new officer would serve a probationary period at the prison. If judged to be doing satisfactory work following his 4 months of training and 8 months of probationary status, the officer "becomes an established pensionable Civil Servant."[8]

It is somewhat puzzling to note that given the activity in the area of prison officer training throughout much of the world dating back to at least the 1830's, it was not until almost 100 years later that the first such school opened in the United States. In 1927, New York City formed the Keepers School for the training of its own jail officers. Begun by Richard C. Patterson, Commissioner of Correction for New York City, the Keepers School program was 8 weeks in length and emphasized the daily responsibilities of jail officers. Topics included jail security, use of force, report writing, and prisoner discipline.[9] Little time was spent on the causes of crime, methods of rehabilitation, or prison reform. No doubt the relatively shortterm confinement of prisoners within a city jail added to the custodial emphasis of jail officer training.

Origins and Philosophy of Federal Training School

Appointed to the post of Superintendent of Federal Prisons by President Hoover in June 1929, Sanford Bates had long been an advocate of more professional and formalized training for prison officers. First appointed Commissioner of Penal Institutions for the City of Boston in 1917, Bates was soon asked by Massachusetts Governor Calvin Coolidge to become Commissioner of the State Department of Correction. From 1919 until his appointment to the Federal system, Bates successfully guided the Massachusetts prison system through a series of progressive changes.[10] In 1926, he was elected president of the American Prison Association, reflecting the broad recognition by his colleagues of his accomplishments in Massachusetts. His eventual appointment as Superintendent of Federal Prisons (soon reorganized as the Bureau of Prisons) was an almost natural continuation of his rapidly advancing career. As characterized by Hershberger, "The selection of Bates signified that penal administration in the Federal Government had changed from political patronage to professional administration."[11]

Bates was also well versed in prison activities throughout the world. In 1925, he was a representative of the American Prison Association to the Ninth International Prison Congress in London. In that year, the Wakefield school had just opened and was a topic for considerable discussion among the international representatives. Certainly this exposure to the newly developed training model in England must have made a positive impression on Bates as well as on Dr. Hastings H. Hart who was also in attendance.

Within months after being named Superintendent of Federal Prisons in 1929, Bates contacted his old friend and colleague Dr. Hart, consultant in penology to the Russell Sage Foundation in New York City and chair of the advisory committee for the Wickersham Committee report on prisons. Hart was asked to begin the preliminary development of the curriculum for the proposed Federal training school.[12] Shortly thereafter, on November 19, 1929, Sanford Bates appointed J. O. Stutsman as Superintendent. The training school was to be located in New York City, giving it access to several operational prisons as well as the educational and professional resources well established in that city. Already Superintendent of the Federal Detention Headquarters in New York City, Stutsman had complete control of what would serve as a training laboratory for his student recruits.

During the 2 months following his appointment, Stutsman and Hart worked together to finalize the curriculum of the United States Training School which would open in January 1930. Dr. Hart's contributions were no doubt considerable, but the ultimate responsibility for both course organization and lecture content fell to Stutsman. His philosophy and approach to the emerging field of corrections and the training of its practitioners is nowhere better expressed than in his own words from an unpublished document summarizing his first 2 years as Superintendent:

> The general purpose of the School is to train officers to think intelligently on the practical problems of prison duty; to give them an adequate understanding of the historical and sociological background of modern corrective services to help them understand the human material with which they have to deal; to give them resourcefulness in handling tangled personalities, and to impress them with the reformative and constructive value of the work in which they are to engage. Emphasis is

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[6] J. O. Stutsman, "Purposes and Methods of the United States Training School for Prison Officers," unpublished manuscript. 1932.

[7] Hart Hastings, *Training Schools for Prison Officers.* New York: Russell Sage Foundation, 1930, pp.43-70.

[8] Ibid., p. 40.

[9] Ibid., pp. 31-39.

[10] Sanford Bates, *Prisons and Beyond.* New York: MacMillan, 1936, pp. 5-15.

[11] Gregory Hershberger, "The Development of the Federal Prison System," *Federal Probation,* December 1979, p. 16.

[12] Hart, op. cit., p. 7.

placed on methods of controlling men by intelligence and leadership rather than by force, and the necessity of a humanized, socialized viewpoint as well as technical skill.[13]

It is important to note in this quotation that only at the end of the final sentence is the custodial role of the prison officer even implied in the use of the phrase "technical skill." The emphasis throughout is on the intelligent understanding of the historical, sociological, and psychological dimensions of the correctional profession and the inmates it serves. It is quite evident that although both Stutsman and Hart had to be familiar with the custodial orientation of the New York City Keepers School, the major influence on their development of curriculum for the Federal school came from Wakefield. On September 19, 1929, Hart received a letter he had requested from Gilbert Hair, Governor of the British Training School at Wakefield, detailing the school's underlying philosophy and curriculum.[14] Although far from being directly copied, the influence of the Wakefield experience is clearly present in the curriculum eventually developed by Stutsman.

School Curriculum and Student Profile

The course of study in Stutsman's school can be outlined by the major topics covered during the 3 months of residential training.[15]

1. History of Crime and Punishment
2. A Study of the Present Crime Situation
3. Types of Penal Institutions and Their Functions
4. Physical Aspects of Penal Institutions
5. The Prisoner and His Background
6. The Prison Official
7. Prison Discipline
8. Classification and Segregation
9. The Activities of a Penal Institution
10. Miscellaneous Routine Duties Performed in Actual Service[16]

Appearing perhaps to emphasize the more traditional daily activities of prison officers, the list of topics covered is better understood after examination of the actual lectures given. For example, in a series of 64 lectures developed for both the 3-month training school and a similar correspondence course later developed by Stutsman, the lectures can be topically grouped as shown in figure 1.

Clearly, the subjects included in the course emphasize criminological and rehabilitative themes rather than what might be construed to be the more pragmatic concerns of prison officers. The spirit of progressivism had finally reached front-line prison staff and was being vigorously injected into basic, pre-service training.[17]

Figure 1

TOPICAL GROUPING OF J. O. STUTSMAN LECTURES TO UNITED STATES TRAINING SCHOOL FOR PRISON OFFICERS—1930

Topics	*Number of Lectures*
— Desired qualities in an officer	(5)
— Broad role of justice system	(5)
— Discipline and prison operations	(7)
— Medical and health factors	(8)
— Causes of crime and nature of criminals	(16)
— History and rehabilitative function of prisons	(23)

Approximately five to eight lectures were presented each week. Examinations, both written and oral, were given frequently. Outside reading was assigned to augment the lectures and to prepare the student for the completion of a required thesis. Individual thesis subjects were assigned at the beginning of the course and were submitted 2 weeks before completion. In addition to the demonstration of knowledge in the specific area of the assigned thesis, each student was expected to show a general command of the basic literature in criminology. In the words of Stutsman, "By this method . . . he is more likely to imbibe a lasting interest."[18]

Complementing classroom lectures, recruits were also required to complete what were loosely called "laboratory courses." These included first-aid, boxing and jiu-jitsu, physical exercises, firearms training, visit to courts, and field-based problem-solving exercises.[19] Such activities usually occupied from 1½ to 2 hours each day and were completed in the mornings.

Evenings and 1 day each weekend were usually spent on shift duty at one of the several Federal prisons or detention facilities in New York City. During this time, the students would be observed in interaction with inmates and an assessment made of their on-the-job skills. Certainly valued by Stutsman as an important part of the training, he would later be encouraged by his immediate supervisor, A. H.

[13] Stutsman (1932), op. cit., p. 7.

[14] Hart, op. cit,. p. 43.

[15] Actual training time varied. The program at the first school in New York City lasted 3 months, but later schools in Atlanta and El Paso reduced this program to 2 months for administrative and budgetary reasons.

[16] Hart, op. cit., pp. 14-16.

[17] For an excellent discussion of "progressivism" in the American justice system, see Walker, 1980:127-160 and Rothman, 1980:117-127.

[18] Stutsman (1932), op. cit., p. 11.

[19] Hart, op. cit., p. 27.

MacCormick, Assistant Director of the Bureau of Prisons, to further emphasize and expand the practical aspects of training.[20]

At approximately 3-week intervals, a written examination was given to each student. Following, in figure 2, is an example of such an examination, given to a class in Atlanta on June 13, 1930 and included in a status report from Stutsman to A. H. MacCormick, Assistant Director of the Bureau of Prisons.

Figure 2

MIDTERM EXAMINATION ADMINISTERED TO UNITED STATES TRAINING SCHOOL FOR PRISON OFFICERS, ATLANTA, GEORGIA, JUNE 13, 1930

(Answer any five questions)

1. Define: Prophylaxis, Criminology, Penology, Heredity, Environment.
2. Why is it beneficial to a prison officer to understand the causes of crime?
3. Discuss five causes of crime.
4. Name and discuss any five early methods of torture and death for criminals.
5. Discuss the effects on the prisoner of stripes, the silent system, brutality, and poor food.
6. Discuss the effects of crime waves on the public mind, legislation, the courts, and prisons.
7. Discuss two types of prison architecture about which there has been much controversy.
8. Name five men who were influential in the transition from barbarous methods to reformative measures and discuss the work of each.[21]

Far from emphasizing the practical, this examination reflects Stutsman's great concern with the causes, context, and consequences of crime. To pass such an examination must have been a considerable challenge for most students then as it would be today.

At the conclusion of each training class, students would be individually graded by Stutsman on all aspects of their training. Figure 3 represents the original evaluation forms completed on two students from the graduating class at Atlanta, Georgia on July 25, 1930. A particularly capable student, as well as one who seemed to have some difficulty, were chosen for contrast.[22]

[20] Austin MacCormick, personal correspondence to Stutsman, Washington, D.C.: National Archives, June 17, 1930.

[21] J. O. Stutsman, personal correspondence to A. H. MacCormick, Washington, D.C.: National Archives, June 13, 1930.

[22] The original evaluations are on file in the National Archives, Washington, D.C. Names of actual students have been deleted.

Figure 3

PROFILE AND FINAL EVALUATION OF TWO STUDENTS IN THE UNITED STATES TRAINING SCHOOL FOR PRISON OFFICERS IN ATLANTA GEORGIA, JULY 25, 1930

Student A

Was born at West Liberty, Kentucky, May 19, 1906 and was reared at Lexington, Kentucky.

He attended common school at Lexington eight years, graduating in 1922. He went to the Lexington High School two years but did not finish the course. He then attended the U.S. Pharmacists Mates School at Portsmouth, Virginia.

He enlisted in the U.S. Navy January 29, 1924, sailing on the U.S.S. Camden as Phr. Mate 3rd Class and was discharged December 15, 1927.

February 28, 1929 he was married to [name deleted], of Pittsburgh, Pennsylvania, and is living with her. They have no children.

His habits appear to be fairly good; he says he enjoys reading history and biography a "great deal." He goes to the threatre and vaudeville occasionally and to moving pictures twice weekly. He usually spends three nights weekly wrestling, and spends his Sundays mostly at home and church.

From 1928 to 1930, he conducted a service station for the Standard Oil Company at Louisville, Kentucky.

His grades in the U.S. Training School for Prison Officers are as follows:

Class Work:		*Thesis:*	84
First examination	86	Physical Training:	
Second examination	96	Leadership	75
Third examination	98	Posture	80
Fourth examination	94	Infantry drill	75
		Jiu Jutsu	90
		Boxing	85
		Calisthenics	85
		Foot exercises	85
		Artificial respiration	80
		Revolver practice	100
Average	93.5	Average	83.9

Student B

Was born at Hinton, West Virginia, July 30, 1900 and received his only education by attending Summers Common school six years, 1908-14, where he received a certificate of graduation.

He enlisted in the U.S. Army May 15, 1917, saw both foreign and domestic service and was honorably discharged May 15, 1923. Since his Army experience, he acted as police officer for the U.S. Steel Corporation from 1925-1927; a tire builder for the Goodyear Company at Akron, Ohio, 1927-28; a special officer for Sears-Roebuck and Company at Detroit in 1929; and a guard at Detroit in 1930 until he received his present appointment.

He married [name deleted] of West Virginia, December 19, 1925 to which union was born a child (a little girl) in 1927. He is living with his wife.

This man is quite reticent and reserved, giving the impression that he is more intelligent than he really is. He did not grasp the lectures and made exceedingly poor grades in that division of the course. I believe he has the ability to learn by observation and experience, it is for that reason I am recommending him for appointment. His personality and ability to learn from experience are the deciding factors.

His grades in the U.S. Training School for Prison Officers are as follows:

Class Work:		*Physical Training:*	
First examination	45	Leadership	70
Second examination	65	Posture	75
Third examination	84	Infantry drill	75
Fourth examination	84	Jiu Jutsu	80
		Boxing	80
		Calisthenics	80
		Foot exercises	80
		Artificial respiration	80
		Revolver practice	83
Average	69.5	Average	77.9
Thesis	75		

As can be seen from the narratives for both students, their personal habits and private lives appear to have been almost as important as their scores in examinations. Student A was an avid reader, enjoyed the arts, and spent Sundays in church. By contrast, Student B would appear to have no hobbies, did not attend church, and had the unfortunate quality of looking "more intelligent than he really is." One can only wonder the extent to which these factors might have influenced the more subjective elements of evaluation. Both, however, were recommended for service with the Bureau of Prisons and presumably accepted their initial postings.

The End of an Era

Although it is not clear how many recruit classes J. O. Stutsman directed before his death in 1933, we do know that he was actively involved in the training of almost 475 men through October of 1932.[23] Figure 4, retyped from Stutsman's own unpublished manuscript, indicates the number, location, dates and

Figure 4

THE UNITED STATES TRAINING SCHOOL FOR PRISON OFFICERS

Graduate Data as of September 12, 1932

			Total Number	*Passed*	*Failed*	*Resigned*	*Assigned Without Finishing Course*	*Died*
1st Class	NEW YORK	Jan. 2, 1930 - April 3, 1930	28	22	6			
2nd Class	ATLANTA	June 2, 1930 - July 31, 1930	42	41		1		
3rd Class	ATLANTA	Aug. 4, 1930 - Sept. 27, 1930	58	56[a]		2		
4th Class	NEW YORK	Dec. 10, 1930 - March 31, 1931	30	15	12	3		
5th Class	NEW YORK	Apr. 20, 1931 - June 26, 1931	34	23	7[b]	3		1
6th Class	NEW YORK	July 27, 1931 - Nov. 3, 1931	65	44	12[c]	1	8	
7th Class	NEW YORK	Nov. 17, 1931 - Jan. 29, 1932	54	45	1[d]	1	7	
8th Class	EL PASO	Feb. 8, 1932 - April 15, 1932	40	33	6[e]	1		
9th Class	NEW YORK	May 2, 1932 - July 1, 1932	65	61	1[f]		3	
		Totals	416	340	45	12	18	1
10th Class	NEW YORK	Aug. 10, 1932 - Oct. 10, 1932	58 (In Session)					

[a] 3rd Class - 3 passed conditionally.

[b] 5th Class - 3 rejected on account of Civil Service Investigation.
3 rejected on account of failing the medical examination.
1 failed to pass the requirements of the course.

[c] 6th Class - 3 rejected on account of failing the medical examination.
9 rejected on account of Civil Service Investigation.

[d] 7th Class - 1 rejected at beginning of course on account of failing medical examination.

[e] 8th Class - 3 students failed to pass the requirements of the course.
3 rejected on account of Civil Service Investigation.

[f] 9th Class - 1 student was rejected at very end of course on account of intoxication—passed in grades.

[23] Stutsman (1932), op. cit.

graduates of Federal training schools through 1932.[24] It is interesting to observe footnote (f) for the ninth class. Apparently, the anticipation of the upcoming graduation was too much for this student and resulted in a very short career with the Bureau of Prisons!

The closing of the training school in April 1933 was the result of several factors, not least among them, the death of Jessie O. Stutsman. As described by Stanford Bates, the closure was prompted, in part, by the termination of the Bureau's building program and the action of the Congressional Committee on Appropriations which felt that its continuation was an unnecessary expense. In describing the circumstances surrounding closure, however, the *first* reason given by Bates was the death of Stutsman.[25]

Although Stutsman's creative energy and continuing personal leadership within the training school was no doubt the primary reason for its success during his tenure as Superintendent, several significant events outside his control contributed to both the beginning and end of this era of prison officer training. In the late 1920's and early 1930's there had been a number of serious prison riots throughout the country. New York prisons at Clinton and Auburn as well as the Federal prison at Leavenworth were among those institutions that experienced severe problems. This led to increasing public concern about prison conditions generally. In 1929, The National Commission on Law Observance and Enforcement (The Wickersham Commission) had as one of its less publicized responsibilities the examination of the entire field of corrections. In Volume Nine, *Report on Penal Institutions, Probation and Parole,* the prison problems of overcrowding, idleness, sanitation, and discipline, as well as the working conditions, pay, and training of guards, were highlighted as reasons for the riots and general failings of the institutions.[26] Originally published in 1931, this report reflected the concerns about prisons of both the public and the professional community but the recommendations were largely overshadowed by the public attention given to the Commission's findings regarding illegal police practices. Therefore, in the early 1930's both the public and the justice system were more concerned with what the police were doing than they were with what the prisons were failing to do. Consequently, political support for even limited funding of prison officer training was receding. The Great Depression was at its greatest depth, and national concern was focused on food and jobs, not the relative luxury of extended, progressive training for prison officers. It was not until 1936 that formal training was re-established in the Bureau of Prisons. However, rather than centralized pre-service training, junior prison officers were given in-service training at the institutions where they were employed. Although perhaps more cost effective in the shortterm, the quality of training varied greatly and reflected the importance attached to it by each prison warden.

Stutsman Legacy

In his 1932 manuscript, which was probably a draft of his annual report to the Bureau of Prisons, an important insight into Stutsman's philosophy regarding the purpose of prisons and the training of their officers is reflected in his initial paragraph. Stated emphatically and without reservation, "Imprisonment without restoration is a farce."[27] Although this philosophy was given much publicity in America as early as 1870 during the National Prison Association meetings in Cincinnati, by 1932 it had not yet received widespread acceptance. It is true, as Walker states in his book *Popular Justice,* that the use of probation, parole, and the indeterminate sentence were well established in America by 1915.[28] Respected prison administrators such as Dr. Katherine B. Davis and Thomas Mott Osborne attempted, with varying degrees of success, to implement reforms based on the principle of an inmate's potential for "restoration" or rehabilitation. But within the majority of prisons themselves, there was little evidence that the principle was being taught to or practiced by prison officers.

Jessie O. Stutsman championed this cause at the lowest yet most critical level in the hierarchy of prison personnel—the front line prison officer. One has only to examine his training school curriculum for proof of his dedication to the principle of an inmate's potential for rehabilitation and the need to instill this principle in prison officers. Was he successful? Certainly not in establishing himself as a well recognized and honored leader of the prison reform movement. Certainly not in beginning an unwavering trend toward the universal acceptance of the rehabilitation principle. But, perhaps he left to us something more important. Through his direct involvement in both the substance and form of prison officer training, Stutsman alerts us to the importance of a comprehensive approach to training that should incorporate an understanding of the theoretical context which gives rise to specific interventions and responsibilities required of prison officers. Stutsman's legacy is to alert us to the notion that the "why" of policy adoption is perhaps as important an element of prison officer training as is the "how to" of policy implementation.

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[24] The original report is on file in the National Archives, Washington, D.C.

[25] Bates, op. cit., p. 164.

[26] National Commission on Law Observance and Enforcement, Vol. 9, *Report on Penal Institutions, Probation and Parole.* Washington, D.C.: U.S. Government Printing Office, 1931.

[27] Stutsman (1932), p. 1.

[28] Samuel Walker, *Popular Justice.* Omaha: Oxford University Press, 1980.

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Addressing the Social Needs of Families of Prisoners: A Tool for Inmate Rehabilitation

By James D. Jorgensen, A.C.S.W., Santos H. Hernandez, Ph.D., and Robert C. Warren, Ph.D.*

FOR INCREASING numbers of offenders, incarceration is becoming a fact of life. In 1984, a record number of over 464,000 inmates were housed in state and Federal prisons: a 6.1 percent increase over the previous year and a 40 percent increase since 1980.[1] Nationally, the rate of incarceration now stands at 188 per 100,000 population, as high as it has ever been.[2] This rate is exceeded only by those of South Africa and the Soviet Union.[3]

Several factors account for these rising figures. Mandatory and lengthier sentences, reflecting a hardening of public attitudes, discourage and in fact prevent the granting of probation for many offenses, while they severely restrict the power of parole boards. In spite of the United States' leadership of the Western World in its inclination to punish by imprisonment, "soft headed" judges are under mounting pressure to get tough with offenders through the imposition of even lengthier sentences. One wonders just how much tougher we must become before we finally see the positive results intended by social controls imposed in this way.

If we should become no tougher and imprison offenders at the present rate, our state and Federal prisons will house a population of nearly two-thirds of a million people within the next 4 years. However, if the congress and state legislatures respond positively to public demands for stiffer punishment (the more likely scenario), the prospect is an even larger prison population.

The figures presented here are directly related to the subject at hand: social needs of *families* of prisoners. For in the wake of these impersonal numbers are families—inmates' families—tempting as it might be to ignore or forget them. As the number of prisoners increases, it is inescapable that the number of family members affected will also grow. For most inmates who face a prison term, their families will also begin a sentence: of physical, social, and psychological hardship. They will do so, in most instances, with a minimum of resources to draw upon and with little power to meet the additional demands on their trouble-plagued lives.

Who are these 464,000 people who have offended society to such a degree as to warrant the drastic measure of incarceration? Their demographies shed considerable light on the families they leave behind.

First of all they are young. Crime has been and continues to be a young person's occupation. Nearly two out of three inmates are under 30 years of age. If crime is a young person's pursuit, it is also overwhelmingly the business of males. Although the number of women behind bars grew 8.9 percent from 1983 to 1984, they still represent a mere 4.5 percent of the total incarcerated population.[4] At that, female inmates present a unique set of problems which will be discussed later in this article. Over half of all inmates are ethnic minorities, a reflection of higher conviction rates for minority offenders.

The nation's prison population is also poorly educated. Fifty-eight percent have less than a high school education. Not surprisingly, they are thus often unemployed, unemployable, and underemployed. Nearly 30 percent were unemployed prior to their arrest, while another 10 percent worked part-time. The consequence of this unemployment rate is poverty. Over 22 percent were without income prior to their arrest, while 49 percent earned less than $10,000 per year.

The figures indicate that a sizeable number of the families of inmates, economically at risk prior to the incarceration of their family members, are even more at risk during the post-incarceration period, although as we shall see, this is not always the case. From the standpoint of income, a small minority of families actually fare better when the breadwinner is imprisoned.[5]

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[1] U.S. Department of Justice, Bureau of Justice Statistics, *Prisoners in 1984* (Washington, D.C., Government Printing Office, April 1985), p. 1.

[2] Op. cit., p. 2.

[3] "A Perspective on Crime and Imprisonment," National Moratorium on Prison Construction (Washington, D.C.), November 1975.

[4] U.S. Department of Justice, op. cit., p. 4.

[5] Donald P. Schneller, *The Prisoner's Family: A Study of the Effects of Imprisonment on the Families of Prisoners*, San Francisco, California: R. & E. Research Associates, 1976, p. 60.

Approximately half the men in Federal, state, and local jails are either married, widowed, or divorced. Schneller reported the percentage of married inmates in his study to be 45 percent.[6] Attachment to a family is critical to the positive outcome of the correctional process. A positive relationship exists between the maintenance of strong family ties while in prison and parole success.[7] Thus, society benefits from the protection of family life, not just for its own sake, but in terms of families of inmates, whose success is strongly linked to lower future recidivism on the part of their imprisoned family members. For that reason alone, corrections would seem to have some investment in and responsibility toward these families.

While this article is concerned with the social needs of families of prisoners, the term "social" is employed in its most generic context. Thus our concern encompasses the more obvious social problems that families of inmates present as well as the interrelated economic, environmental, and psychological aspects of their lives. The discussion is organized around the following questions:

(1) *What social changes occur in families as a result of imprisonment of a parent?*

(2) *What economic changes occur in families as a result of imprisonment of a parent?*

(3) *What behavioral changes occur in families as a result of imprisonment of a parent?*

(4) *What special problems are created in families when the incarcerated member is a woman?*

(5) *How is society responding to the problem of families of prisoners?*

Social Changes

Perhaps most unsettling to the inmate's family is the crisis of information that accompanies imprisonment. From the point of arrest and arraignment through sentencing, institutionalization, and, finally, pre-release and parole, families experience a consummate lack of accurate information accompanied by a plethora of information that is confusing and, in some cases, unintelligible.

Beyond the need to decipher legalese, a common enough obstacle for English-speaking people, is the problem of the language itself for the non-English speaking individual. Lacking interpretation or language facility, one often doesn't know what questions to ask—if able to question at all. Even when questions are formulated, who has the answers to such common queries as: When can we visit? Who is his lawyer? What is a public defender? How do we reach the prison where he's located? What are the visiting regulations? What is parole? These concerns speak to the need for more agencies devoted to the dispensation of such information as is provided now in some communities by Justice Information Centers.

Assuming that information is forthcoming and the family is aware of what's happening, other problems now must be faced. As usual, children must be cared for and the missing parent's incarceration explained to them, often within an environment where they are being taunted by other children. The element of familial rejection makes its entrance as in-laws blame the spouse for the offender's problems and the spouse's parents encourage divorce. In the midst of all this, the inmate may still be attempting to continue the role of head of the family *in absentia*, while losing touch with day-to-day realities as visitations to distant prisons become a prohibitive luxury for the family. As the visits occur less frequently, the inmate becomes more prisonized.[9]

The adage, "you can't get there from here," aptly describes the location of many prisons, even the newer ones. Nagel, in surveying the construction of new prisons, learned that the average distance to the nearest large city—in most cases, the city where the inmate's family resides—is 172 miles. Public transportation to remote distances is often nonexistent, forcing visitors to rely on rides from other inmates' spouses or, if available, transportation provided by a human service agency.[10]

One of the phenomena observed in children of the incarcerated parent is a decline in school performance. Friedman and Esselstyn's study reporting these findings, while criticized because the children in this study weren't pre-tested, points to the assumption that girls suffer more than boys in this regard.[11] It is generally accepted that children from broken homes are more vulnerable to delinquency,[12] and in the authors' view, it would seem to be the better part of public policy for courts to consider, as one factor, the impact of incarceration on children left behind.

One study of families of imprisoned parents noted that the children in these families missed their parents and, not surprisingly, longed for their return. The children were observed to be more aggressive toward each other, less obedient, and more antisocial. The authors concurred with Friedman and Esselstyn's findings that school performance of these

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[6] Ibid.

[7] Norman Holt and Donald Miller, *Explorations in Inmate Family Relationships* (California Department of Corrections), 1972.

[8] Judith F. Weintraub, "The Delivery of Services to Families of Prisoners," *Federal Probation*, Vol. 40, No. 4, December 1976, pp. 28-32.

[9] Mary C. Schwartz and Judith F. Weintraub, "The Prisoner's Wife: A Study in Crisis," *Federal Probation*, Vol. 38, No. 4, December 1974, pp. 20-27.

[10] *The New Red Barn: A Critical Look at the Modern American Prison* (Published for the American Foundation, Inc., Institute of Corrections, Philadelphia, Pennsylvania). New York: Walker and Company, 1973.

[11] S. Friedman and T. C. Esselstyn, "Adjustment of Children to Jail Inmates," *Federal Probation*, December 1965, pp. 55-59.

[12] H. Weeks, "Male and Female Broken Home Rates by Types of Delinquency," *American Sociological Review*, August 1940, pp. 601-609.

children suffered while their attendance rates declined.[13]

In the above study, 17 of 31 families moved to a new location. The likelihood that the family will move shortly after the parent is sent to prison has the effect of leaving the remaining spouse further cut off from important social support systems. It is not particularly surprising that, within the first years of imprisonment, visiting declines in most cases, and divorce occurs in about a third of the marriages interrupted by incarceration.[14] One of the more severe problems occasioned by the absence of an imprisoned spouse is loneliness and emotional deprivation.[15]

Economic Changes

The economics of incarceration are staggering. Depending upon the type of institution and region of the country where the inmate is confined, cost estimates range from $8,000 to $50,000 per year per inmate.[16] These costs in no way measure the related expenses which must also be borne by society in terms of financial assistance and other social and psychological services provided to families of inmates as a result of family breakup.

Imprisonment of the family provider has the effect of forcing dependents to rely financially on extended family, if available, or public assistance. Schneller noted that 60 percent of the families in his study reported reduced incomes following the incarceration of the breadwinner. It should be explained, however, that over 21 percent of the families reported a higher income as a result of the incarceration, a statement reflecting the economic marginality of these family units.[17]

Morris determined that over 78 percent of the wives of prisoners in Great Britain became dependent upon public assistance as a result of incarceration. Aside from housing, finances presented the most serious of the problems stemming from imprisonment.[18] Nearly half of the families of incarcerated women studied by Zalba required public financial aid, although this percentage was nearly as high prior to incarceration, indicating that female inmates' families were more likely to be economically at risk prior to, as well as after, incarceration.[19]

Generally it can be stated that the quality of life suffers for families of prisoners. Schneller revealed that over one in four of the families of his study experienced a post-imprisonment decline in the quality of their diet, and over half indicated they wore clothing of a poor quality.[20] Housing was reported as the most serious problem faced by the families in Morris' study. Over 28 percent of the families reported deterioration in this aspect of their lives.[21]

Imprisonment has been described by Hill as a "double crisis," that of "demoralization and dismemberment."[22] Schwartz and Weintraub view the crisis as an extended period between arrest and sentencing, where there is considerable upheaval over possible job loss, expenses for attorneys and bail, as well as the pressure of unpaid bills[23] It is, of course, the inmate's spouse who must ultimately face the creditors.

Behavioral Changes

One subtle change that necessarily occurs during imprisonment is the replacement of the former head of household by the remaining parent. This creates an issue when the inmate insists on being involved in day-to-day decisions through correspondence or visits, only to be frustrated when he is unable to do so. It is further complicated when the inmate returns home to face strain and conflict as the decisionmaking role that goes with being head of household is either reoccupied or abandoned.

Regardless of the frequency of family visits (which should obviously be encouraged) and the conditions under which such visits are held (they could certainly be humanized), family visits are in fact quite artificial. They are closely monitored as a rule and lack the privacy in which family issues might be resolved. It is difficult to normalize family life when one of its members is incapacitated.

There is also the matter of how to interpret the parent's absence to his or her children. This explanation also falls on the at-home parent. Sack reports that this task is often avoided or, if handled at all, with some degree of deception, an indication that confronting this reality is painful[24] This pain is certainly not without basis, for to explain to children the true circumstances of a parent's imprisonment is to expose them to the insecurity surrounding the knowledge that that parent is helpless and impotent. For minority children, already questioning their self-image, this can be particularly devastating.[25]

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[13] William H. Sack, Jack Seidler, and Susan Thomas, "The Children of Imprisoned Parents: A Psychosocial Exploration," *American Journal of Orthopsychiatry*, October 1976, pp. 618-627.

[14] Op. cit., p. 626.

[15] Schneller, op. cit., p. 66.

[16] Samuel Walker, *Sense and Esnesnon about Crime* (Monterey, California: Brooks Cole Publishing Co., 1985), p. 60.

[17] Schneller, op. cit., p. 60.

[18] Pauline Morris, *Prisoners and their Families* (London: George Allen and Unwin Ltd., 1965), p. 80.

[19] Serapio R. Zalba, *Women Prisoners and their Families* (Los Angeles: Delmar Publishing Co., Inc., 1964), p. 118.

[20] Schneller, op. cit., p. 215.

[21] Morris, op. cit., p. 215.

[22] Reuben Hill, "Generic Features of Families under Stress," *Crisis Intervention*, Howard Parad (Ed.) (Family Service Association of America, 1965), p. 38.

[23] Schwartz and Weintraub, op. cit., p. 21.

[24] Sack, Seidler, and Thomas, op. cit., p. 621.

[25] Lennox Hinds, "Impact of Incarceration on Low-Income Families," *Journal of Offender Counseling Services and Rehabilitation*, Vol. 5, Nos. 3 and 4, Spring/Summer, 1981, pp. 8-9.

In a study of wives of inmates of the Kansas State Industrial Reformatory, Daniel and Barrett utilized an adaptation of the Burgess-Cotrell Marital Adjustment Scale. They asked women how often they missed 13 things which typify marital adjustment since their husbands' incarceration. Companionship, mutual understanding, fighting and making up, confidence, love, sharing the interest of the children, and a good sexual relationship emerged as the more important needs most likely to be unfulfilled. Their study also supported other studies in reporting the need for: (1) information about their husbands, (2) money, (3) other material needs, i.e. housing, clothing, and food, and (4) someone to talk to.[26]

Imprisonment has often been compared to death. Like death, it brings about a need for a period of mourning and grieving.[27] Thus the wife left behind is overrun by conflicting feelings of guilt, anger at spouse as well as self, and an overpowering sense of loss. Daniel and Barrett explored the degree to which prisoners' wives experienced 12 typical symptoms of grief, namely depression, jumpiness, fitful sleep, difficulty falling asleep, waking not rested, boredom, rapid mood fluctuations, headaches, feeling life is meaningless, poor digestion, shortness of breath, and accident-proneness. Nine out of 10 subjects reported that they experienced five or more of these symptoms regularly (sometimes, frequently, or always).[28]

Children separated from parents due to imprisonment present unique behavioral problems. While it is difficult to determine how many children are affected by this type of crisis, one report showed that in Oregon, 774 men newly imprisoned for felonies left behind a total of 988 children.[29]

Sack, in a study of six families of imprisoned fathers, reports that the children of families where divorce was pending were the most disturbed. In each family, however, he found behavior ranging from stealing, truancy, running away, breaking and entering, school failure, wetting and soiling, and fighting.[30] It would appear that children, as well as the remaining parent, react to the sudden absence of a parent in problematic ways.

Families of Incarcerated Women

Although, as noted earlier, women do not constitute a large segment of the prison population, their incarceration does present unique problems to their families. An accurate figure of the percentage of female prisoners who have children cannot be reported, although estimates range from 42 percent to 80 percent.[31] Zalba's study of female inmates in the California penal system revealed that 520 incarcerated mothers had a total of 1,200 minor children.[32] In a society where the primary caregiver is the mother, her absence is a severe blow to children, often relegating them to the care of relatives or foster parents.

In some jurisdictions, correctional authorities encourage female inmates to relinquish their rights to their children. In others, the parent's rights may be legally terminated if the reason for imprisonment is adultery, child abuse, or non-support. In short, imprisonment can cause a mother to be considered an unfit parent, even though her questionable behavior is in the past and is not necessarily a predictor of future behavior.[33] In reality, imprisonment and unfitness to be a parent are not mutually exclusive, and the right to assume or resume parenthood on the part of the mother needs to be protected fully as much as the child's right to protection.

As an inmate population, women have generally experienced considerable disorganization in their lives prior to their incarceration. Zalba reports that a high proportion of these inmates had backgrounds including narcotics use, problem drinking, prostitution, suicide, and psychiatric problems accompanied by lengthy arrest records for other illegal behavior.[34] They came from unstable families, were often single parents, poor, and to a large degree questioned their own ability to care for their children.

Responding to the Problem: The State of the Art

It would be easy enough to dismiss current efforts to assist families of inmates as "too little too late" or as "do-gooder" projects. Even if that were true, we can only suggest that doing good and doing little are better than doing nothing. Several of these programs, both within and outside of prison, merit further attention. Some of them are briefly described here.

Programs Within Prison

Experimental Marital Workshop. Conducted by two mental health social workers at the Kansas State Penitentiary, this workshop involved selected inmates and their wives in an educational experience where they examined their relationships and formulated plans to improve communication. New behaviors, such as assertiveness and stress management, were taught.[35]

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[26] Sally W. Daniel and Carol J. Barrett, "The Needs of Prisoners' Wives: A Challenge for the Mental Health Professionals," *Community Mental Health Journal*, Vol. 7(4), Winter, 1981, pp. 310-322.

[27] Schwartz and Weintraub, op. cit., p. 25.

[28] Daniel and Barrett, op. cit., pp. 316-317.

[29] William H. Sack, "Children of Imprisoned Fathers," *Psychiatry*, Vol. 40, May 1977, p. 164.

[30] Op. cit., pp. 164-167.

[31] Lynn Sametz, "Children of Incarcerated Women," *Social Work*, Vol. 25, No. 4, July 1980, p. 298.

[32] Zalba, op. cit., p. 115.

[33] Sametz, op. cit., p. 300.

[34] Zalba, op. cit., p. 116.

[35] David Showalter and Charlotte Williams Jones, "Marital and Family Counseling in Prisons," *Social Work*, May 1980, pp. 224-228.

Family Service Program—Idaho State Correctional Institution. This program featured a child development classroom within the prison as well as a parent training class. Parents were taught, through active learning, to communicate more effectively with their children, while the children were taught how to interact in more positive ways. The results were promising in that parents who completed the program acquired better communication skills and became more adept at handling child behavior problems.[36]

Family Education Center—Washington State Reformatory. Featuring a weekly parent education class for inmates, a couples class for inmates and their wives, and a children's preschool, this program utilized volunteer inmates in the operation. The program provided inmates with opportunities for community college credit.[37]

Programs Outside Prison

Women in Crisis. This program involved volunteers trained for a role in helping prisoners' families throughout the crises of imprisonment, including sentencing, the first visit, and the adjustment period of the husband's imprisonment, a period of 6 to 8 weeks. The program also sponsored personal growth classes for family members of offenders.[38]

Friends Outside. This is a California volunteer organization which served prisoners through 18 chapters, both in jails and prisons. It focused on keeping families of inmates together through providing transportation and other services. It distinguished itself in the manner in which it was accepted by correctional officials.[39]

Responding to the Problem: Future Directions

The questions that naturally follow from our discussion are, what should be done and who should do it? Homer raises the question in the following excerpt:

> Why should criminal justice personnel concern themselves with the families of prisoners? While we can muster verbal sympathy with them as the "second victims of crime," the number and complexity of problems inherent and germane to our criminal justice system already appear overwhelming and insoluble. Why not let the social workers concern themselves with the prisoner's family?[40]

In all likelihood, most correctional administrators ask the same question as Homer. Indeed, where are the resources to work with families of inmates when the resources to develop programs for inmates themselves are in such short supply? Our response would be that the most important program for a sizeable portion of inmates would be a program aimed at their families. The family, as strongly linked as it is to parole success, should not be passed off to other social service professionals or to volunteers. Much that needs to be done and can be done should be initiated by the criminal justice system itself with appropriate auxiliary support from outside resources.

Some steps could be taken that would not be all that costly. One simple procedure could significantly reduce the effects of the information crisis, for example. Courts, probation departments, jails, prisons, and parole departments could develop bilingual printed material to define terms and to answer routine questions about visiting hours, general rules and regulations, transportation, and mail and telephone procedures. This alone would go a long way towards humanizing the process.

Beyond that, prisons could certainly justify and utilize an Office of Family Relations, through which family matters could be addressed. Confronting such critical problems as transportation, visiting, and other forms of communication between inmates and their families often makes the difference between maintaining contact and losing interest. This difference is an important one, often determining whether an inmate gives up on life outside, only to become a disciplinary or management problem inside, or continues to identify with the world outside the walls to which he will eventually return. In a circular way, this internal decision can become a factor in whether the family disintegrates or remains intact.

But a family relations office could do even more. By providing counseling for couples and families, making referrals to social services, mental health providers, and other community resources, the prison could become allied with the inmate's family and go a long way toward changing the adversarial nature of the relationship that now exists between the institution and the inmate's family.

The issue of visiting is yet another barrier to be overcome. The National Advisory Commission on Criminal Justice Standards and Goals urged prison officials to take a more proactive stance in encouraging family visits in prisons.[41] Although progress has been made in this regard over the past two decades, many institutions have made little or no progress in either the frequency or flexibility of the visits.[42]

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[36] Robert L. Marsh, "Services for Families: A Model Project to Provide Services for Families of Prisoners," *International Journal of Offender Therapy and Comparative Criminology*, Vol. 27, No. 2, 1983.

[37] Helen L. Taylor and Barbara Durr, "Pre-School in Prison," *Young Children*, September 1977, pp. 27-32.

[38] Susan H. Fishman and Albert S. Alissi, "Strengthening Families as Natural Support Systems for Offenders," *Federal Probation*, Vol. 43, No. 3, September 1979, pp. 16-21.

[39] Ed Kiersh, "The Importance of Having Friends Outside," *Corrections Magazine*, Vol. 5, No. 3, September 1979, pp. 39-42.

[40] Eva Lee Homer, "Inmate Family Ties: Desirable but Difficult," *Federal Probation*, Vol. 43, No. 1, March 1979, p. 47.

[41] National Advisory Commission on Criminal Justice Standards and Goals, *Corrections*, Washington, D.C., U. S. Government Printing Office, 1973.

[42] N. E. Schafer, "Prison Visiting: A Background for Change," *Federal Probation*, Vol. 32, No. 3, September 1978, pp. 47-50.

How visits shall be managed is another issue which can only be addressed by prisons themselves. Conjugal visits have been discussed at length for some time and appear to have wide support in principle; however, in practice, they have not been implemented to any meaningful degree, except perhaps in the states of California and Mississippi. While legislatures continue to debate the morality of conjugal visits, sexuality remains a fact of life inside the walls as well as out. For those inside, sexual releases will be found, even if they are illegitimate and violent, but they are no substitute for more normalized sexual outlets that could be provided through conjugal visits or furloughs.

Mention has been made in this article of the distance problems which must be conquered if families are to meet regularly with inmates. The cost of bus tickets, meals, hotel rooms in some cases, and babysitters in others, associated with traveling to and from a prison, is prohibitive for a family living on or below the poverty line. We are convinced that prisons, even though unable to publicly finance transportation, could, through an Office of Family Relations, take initiatives to solicit monies from private sources or orchestrate car pools. For many families, such assistance could be the pivotal point of family stability.

There is little question that prisons could do much more to facilitate the parenting skills of inmates. It has been proposed that prison reforms for women be initiated to provide for a delivery room and nursery within the prison, so that mothers can give birth to and care for their infants in prison.[43] Keve proposes that a halfway house arrangement be developed to provide a means of programming for many female inmates and their young children.[44] For those women who intend to return to their children upon release, as the greatest share of them do,[45] it makes sense to prepare them for this event by training them to provide quality child care.

Beyond the prison environment is the question of how community resources can be mobilized on behalf of prisoners' families. Scott proposes that community centers be utilized as natural service outlets for families of offenders.[46] While this may be a good setting for families of offenders who have not reached prison, we believe that the above-described Office of Family Relations within the prison, where the inmate and family meet, would be in the best position to relate to the needs of families, make referrals to community agencies, and monitor the families' progress in negotiating the social service network.

Since children are prime sufferers in the phenomenon of separation from their parents, prison-sponsored Family Relations Offices would be in an ideal position to refer children to school social workers, child guidance clinics, health stations, and mental health centers. Such offices would also be strategic in referring spouses to social service and mental health agencies. Nash proposes that working with families of inmates requires that the family be challenged with tasks of growth as well as mere survival. In order to facilitate this, he stresses that mental health workers employ both micro and macro interventions.[47]

In the latter context, it should be pointed out that inmates' families are logical candidates for self-help groups and other mutual aid networks. In fact, they already appear to be utilizing this type of service on an informal basis. If mental health workers intend to reach these families, their service delivery approach must be comprised of more than just psychotherapy, an intervention many of them consider irrelevant. They will have to become enablers, brokers, mediators, advocates, and guardians.

Conclusions

In assisting families of inmates, we are dealing with severely disjointed, weakened, often demoralized family units, in which the incarceration of a family member is the culminating event in a long history of adversity. Efforts to help them maintain their familial boundaries will recognize their need to overcome the crisis of a death-like loss: incarceration.

Although—and perhaps because—their present problems are formidable, these families warrant greater attention from those of us who work in corrections and human services, because the resolution of those problems offer the prospect of salvaged families, the possible bonus of inmates turned away from further crime, and correctional programs with peripheral vision—that see inmates in the context of family, community, and society as a whole.

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[43] Sametz, op. cit., p. 30.

[44] Paul Keve, *Prison Life and Human Worth* (Minneapolis: University of Minnesota Press), 1974.

[45] Ann M. Stanton, *When Mothers Go to Jail* (Lexington, Massachusetts: Lexington Books, 1980, p. 111.

[46] Janet Scott, "The Forgotten Family," *Journal of Offender Counseling*, April 1983, pp. 34-39.

[47] Kermit B. Nash, "Family Interventions: Implications for Corrections" (Keynote Address presented at the Joint Meeting of the 110th Annual Meeting of the American Association of Mental Health Professionals in Corrections), August 17-21, San Diego, California.

Victim/Offender Mediation: A National Survey

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AS A reflection of the growing nationwide concern both to provide greater attention to meeting the needs of victims of crime and to develop effective alternative sanctions for criminal offenders, programs providing victim/offender mediation and reconciliation services have developed in a number of different communities throughout the United States. Many of these are called Victim Offender Reconciliation Programs (VORPs). Representing one of the few recent justice reforms that allow victims to be personally involved in the sanctioning process of the offender, each of these local mediation programs facilitates a face-to-face meeting between the victim and offender in the presence of a trained mediator. This meeting provides an opportunity for questions about the offenses to be addressed, for feelings to be expressed, and for an acceptable restitution agreement to be worked out.

Since the initial development of VORP in Kitchener, Ontario in 1974, and later replication by the PACT (Prisoner and Community Together) organization and the Mennonite Church in northern Indiana (Elkhart) in 1978 many hundreds of criminal justice professionals, citizen volunteers, and community-based organizations have expressed interest in the victim/offender reconciliation concept. The program has received exposure on several television talk shows and documentaries, as well as in a number of national publications, including *The Wall Street Journal* and *Newsweek*. Because of this interest in the VORP concept, the PACT organization established the National VORP Resource Center as part of its PACT Institute of Justice (the research and training division of PACT, Inc.) in order to serve as a nationwide clearinghouse for information, training, and technical assistance related to VORP. Since the development of this National VORP Resource Center, thousands of pieces of information about VORP have been distributed throughout the United States and abroad, hundreds of information packets have been distributed, audiovisual resource material has been made available, hundreds of criminal justice professionals and volunteers have been trained, and on-site technical assistance in setting up local programs has been provided in more than 25 five different states.

National Survey

In 1985, the National VORP Resource Center of the PACT Institute of Justice completed the first nationwide survey of programs providing victim/offender mediation and reconciliation services. Questionnaires were sent out to a large network of hundreds of private and public correctional programs throughout the country, including correctional departments in every state. Followup phone interviews were conducted with those respondents who indicated local development of a VORP program. This survey resulted in publication of the first edition of the National VORP Directory. It includes descriptive information about each local program, profiling such things as: number and source of referrals, use of volunteer mediators, case referrals resulting in victim/offender meetings, and budget size (available from the National VORP Resource Center, P.O. Box 177, Michigan City, Indiana 46360, $4 per copy).

The data generated by this survey indicate a significant amount of diversity among various programs as the initial VORP concept is further replicated. It should be noted that many programs based upon the concept of victim/offender mediation and reconciliation do not always call themselves VORP. While programs incorporating the victim/offender reconciliation concept continue to be developed primarily by private organizations, two public sector/system-based programs are enriching the VORP concept by applying mediation techniques to more violent offenses. In such cases, the need for clarification of the facts, expression of feelings, and closure would seem to be even greater for some victims. Both the Genesee County Sheriff's Department in upstate New York and the Oklahoma Department of Corrections have used the victim/offender mediation process in a select number of violent felony cases such as negligent homicide, armed robbery, and rape. More recently, victim/offender reconciliation programs have been developed and are at various stages of implementation in several larger urban, multicultural jurisdictions, including St. Louis, Missouri, Milwaukee, Wisconsin, and Minneapolis, Minnesota, necessitating further adaptation of the initial concept.

With the even larger growth of community dispute resolution programs and neighborhood justice centers throughout the country, it became very important during the course of this survey to identify those programs which more clearly utilized the victim/offender reconciliation process. These specific criteria were used to distinguish VORP type of programs from the much larger number of community dispute resolution programs that work with minor disputes or civil court related issues. These criteria included:

A) The program involves a face-to-face meeting, in the presence of a trained mediator, between an individual who has been victimized by crime and the perpetrator of that crime.
B) The program operates in the context of the juvenile and/or criminal justice systems rather than the civil court.
C) In addition to the likelihood of a restitution obligation, the program focuses at some level of intensity upon the need for reconciliation of the conflict (i.e., expression of feelings; greater understanding of the event and each other; closure).

A brief summary of some of the information received from this survey is illustrative of the diversity within the network of programs providing victim/offender mediation and reconciliation services throughout the United States. A total of 32 programs were identified (representing 42 different jurisdictions with a program office), including 21 currently in operation and 11 in development with plans for full implementation in 1985. A number of other projects were also located but were excluded from this survey since they were at such early stages of development, and a full commitment to implementation during 1985 was unclear. Of the 32 programs in the survey, 78 percent were developed by private sector organizations and 22 percent were system-based/public sector projects. The annual referral caseload for all of these programs totaled just over 2,400, with 1,000 of these referrals from the Oklahoma statewide Post-Conviction Victim Offender Mediation Program.

Cases referred that actually resulted in a face-to-face meeting between the victim and offender ranged from 50 percent to 100 percent, depending on the program. The most common figure for cases resulting in a meeting was near 60 percent. While VORP began primarily with juvenile offenders during its early development (1978) in Elkhart, Indiana, the survey found that of those programs which clearly identified the target population for referrals, 54 percent represent primarily juvenile referrals, and 46 percent represent primarily adults. Many programs work with both. The most common offenses referred were theft and burglary, with 75 percent of all programs where such information was provided working with predominately felony offenses. Community volunteer mediators were used by 77 percent of the programs providing data, representing a total of nearly 275 volunteers.

Finally, in reference to the point in the criminal justice system at which the actual VORP meeting occurs, 49 percent of the programs reported victim/offender meetings at a pretrial diversion stage, 66 percent reported meetings held between conviction/adjudication and sentencing/disposition, and 76 percent reported that VORP meetings occurred after sentencing/disposition. Many programs had VORP meetings occurring at more than one intervention point. Some involved all three within the same program.

In order to further highlight the manner in which this justice reform has taken hold during the past 7 years in the United States, four specific programs will be briefly highlighted. Two of these programs represent private sector initiatives and the other two represent system-based programs in the public sector. Together, these programs which are operating in Indiana, Minnesota, Massachusetts, and New York display much of the diversity found within the growing network of programs providing victim/offender reconciliation services throughout the United States.

Valparaiso, Indiana

The Victim Offender Reconciliation Program in Valparaiso, Indiana, 50 miles east of Chicago, was developed in January 1983 by Porter County PACT. With Valparaiso being part of the broader Chicago metropolitan area, the VORP there serves a county of 120,000 characterized by the extremes of both heavy industry (steel mills) and agriculture. Referrals to the program come from probation officers, judges, and defense attorneys. A close and supportive working relationship is maintained between the courts and probation department in Porter County and Porter County PACT, a private sector organization. During fiscal year 1985 (July 1, 1984 through June 30, 1985), 123 cases (victim/offender combinations) were accepted into the VORP program in Valparaiso, with 55 percent of these cases resulting in a face-to-face victim/offender meeting, most often mediated by a trained community volunteer. Seventy-two offenders and 84 victims were accepted into the program. Nearly 80 percent of cases (victim/offender combinations) involved juvenile offenders, with burglary, theft, and criminal mischief representing the most common offenses. Nine out of 10 restitution contracts negotiated by victims and offenders were completed.

While initial development of this VORP focused upon post-adjudication/conviction referrals, more recently program referral criteria and procedures have been revised in order to secure referrals at a much earlier point in the justice process, including the preference for the face-to-face victim/offender meeting to occur following adjudication/conviction and prior to disposition/sentencing. These recent program revisions have also resulted in a significant increase in case referrals, including increases in adult offenders and felony type offenses. Contrary to nearly all other VORP projects, direct payment of financial restitution by the offender to the victim is allowed by the court in this program. Additionally, the Victim Offender Reconciliation Program in Valparaiso, Indiana appears to be the first VORP project in the country to systematically experiment with the use of followup victim/offender meetings in order to strengthen the process of reconciliation.

Minneapolis, Minnesota

The effort to develop a Victim Offender Reconciliation Program in the Minneapolis/St. Paul area represented one of the first major efforts to replicate VORP in a large urban and multicultural setting. VORP began accepting cases in February 1985. The program was developed by the Minnesota Citizens Council on Crime and Justice, a well-established private organization operating Crime Victim Centers, a program for families of inmates, an educational program, and a research division. Referrals come from probation officers, and the program works closely with the probation and court services staff in both Hennepin and Ramsey counties.

By the end of 1985, the program in Hennepin County (Minneapolis) had received referral of 52 juveniles; of these, 41 (79 percent) participated in the program. There were also 41 victims of these offenders, although this does not imply a one-to-one match. Some offenders had more than one victim, and, in some cases, more than one offender victimized a single victim. Of these 41 victims, 68 percent (28) agreed to participate in the VORP program. The 28 victims who agreed to participate had a total of 34 offenders. This resulted in 13 offenders not participating because of the victims' decision against participation. As a result of face-to-face victim-offender meetings, a total of 45 agreements were negotiated, involving 32 offenders and 27 victims; only two meetings (one victim and two offenders) did not result in an agreement. Nearly $2,000 in monetary restitution was agreed to, along with 178 hours of service to the victim and 307 hours of free community service. Plans are currently under way to receive juvenile and adult referrals in Ramsey County (St. Paul).

This VORP project is focusing upon offenders adjudicated/convicted of burglary. Victim/offender meetings occur between the point of adjudication/conviction and disposition/sentencing whenever this is possible. Oftentimes meetings occur following the disposition/sentencing hearing. It is currently projected that as the program becomes fully operational, 120 cases will be referred to VORP annually. Use of co-mediators, neighborhood volunteers, and followup victim/offender meetings is being considered.

Quincy, Massachusetts

Having already pioneered the nationally recognized "EARN-IT" Program involving a very extensive use of community service and restitution, Judge Albert Kramer initiated the development of a program to provide victim/offender mediation and reconciliation services out of the Probation Department of the Quincy District Court. While Quincy itself has a population of about 100,000, it is actually part of the larger Boston metropolitan area. During a recent year, 60 cases (offenders) were referred to the program, involving 60 victims as well. Eighty percent of the cases referred resulted in actual victim/offender meetings. These sessions occurred either between adjudication/conviction and disposition/sentencing or after disposition/sentencing. Eighty percent of referrals represented adult offenders, and 60 percent of referrals represented felony offenses.

The victim/offender mediation program in Quincy, Massachusetts functions as part of the larger EARN-IT Program. A separate staff person was hired to direct the program, and this individual has no probation caseload responsibilities. The VORP concept is used as a technique for collection of restitution. Eighty-five percent of contracts worked out by victims and offenders were completed.

Batavia, New York

The Genesee County Sheriff's Department in upstate New York (Batavia) is the only known law enforcement agency in the country to be sponsoring a program incorporating the victim/offender reconciliation concept. In 1983, Sheriff Doug Call initiated the Community Service/Victim Assistance Program in this small rural county of 60,000. The manner in which the victim/offender reconciliation concept has been used in this jurisdiction is rather unique in that it is part of a larger and more intense victim assistance program. VORP is part of a larger victim assistance and victim directed sentencing program operated by the Genesee County Sheriff's Department. While only 17 cases had been processed as of early 1985, the quality of these cases has been rather

exceptional. Whereas nearly all victim/offender reconciliation type of programs work primarily with nonviolent felony offenses, nearly all of these cases in Genesee County have represented violent offenses such as criminal negligent homicide, rape, armed robbery, assault, and sodomy. Referrals to this program come from the courts and the District Attorney. Actual VORP meetings usually occur either between conviction and sentencing or after sentencing.

The sheriff and his assistant, Dennis Wittman, have chosen to use victim/offender reconciliation conferences only in more serious cases involving harm to people, including loss of life, since it is their belief that there is often a far greater need for expression of feelings to the offender, understanding of the event, and working toward closure among selected victims of such traumatic crimes. Only those victims who have already received an extensive amount of service from the Sheriff's Department and who express willingness to confront the offender are considered for the victim/offender reconciliation conferences. Participation by the offender is usually part of a larger package of sanctions, often including limited incarceration in the jail. The actual victim/offender conferences focus entirely upon reconciliation of the conflict. Discussion of restitution does not usually occur, although the Sheriff's Department does make sentencing recommendations to the court which may include restitution or a reparation payment. All cases are mediated by the staff director of the program, although other staff or volunteer comediators are sometimes used.

Conclusion

The victim/offender mediation and reconciliation process has clearly grown from an experimental concept to an increasingly accepted program within the criminal justice system, in numerous and diverse jurisdictions. At the time this article was prepared, more than 50 different program sites providing victim/offender mediation and reconciliation services were known to be in operation or development. Based upon the continuing requests received by the National Victim Offender Reconciliation Resource Center for either general information or on-site technical assistance, it would seem likely that additional programs applying victim/offender mediation and reconciliation techniques will be developed in the future. The constituency advocating this concept remains rather modest in size, and the actual process is certainly no panacea to be applied indiscriminately to all victims and offenders. In no cases are victims to be forced or coerced into participating in mediation. To the contrary, extreme sensitivity and patience must be exercised in encouraging victim involvement.

Victim/offender mediation appears to offer a helpful sentencing alternative to the courts for appropriate cases. It certainly has the potential for strengthening offenders' accountability to their specific victims and to offer victims a unique opportunity to be directly involved in the process of justice. Yet mediation of victim/offender conflict can perhaps also increasingly offer a creative, though small, contribution to both the larger victim advocacy movement, as exemplified by NOVA (National Organization for Victim Assistance), as well as the broader dispute resolution movement, as seen by the leadership of the American Bar Association, the National Institute for Dispute Resolution, and other related organizations.

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A Quick Measure of Mental Deficiency Among Adult Offenders

By Gordon H. Doss, Ph.D., David W. Head, Ph.D., J. Vernon Blackburn, Ph.D., and James M. Robertson, Ed.D.*

THERE IS evidence which suggests that mentally deficient adults are incarcerated in jails and prisons in numbers disproportionately greater than their prevalence in the general population (Brown and Courtless, 1968). This has resulted in an increase in attention given to both the legal and humanitarian implications of sentencing persons without adequate identification, classification, or treatment. Of particular concern is that the offending behavior may be the result of decreased capacity for making appropriate social judgments.

Programs for the identification, classification, treatment, and rehabilitation of mentally deficient offenders have been slow to develop. A review of literature from the past 20 years indicates that little attention has been given to the needs of this group of mentally handicapped persons. Effective programs of identification, classification, and rehabilitation cannot emerge until there is additional knowledge based upon valid research to guide the rehabilitation specialist (Baroff, 1974). A review of related literature indicates that there does not now exist in our jails, prisons, and probation services a systematic program for identification and classification of mentally deficient offenders. Consequently, members of this potentially rehabilitative population are left to fend for themselves with the general offender population.

If the mentally deficient offender is to become a focus of research and program development, then there must first exist a reliable and economical method for identification and classification of these inmates who enter the criminal justice system each year.

Statement of the Problem

Results of studies which deal with the prevalence of mental deficiency in adult offender populations vary, but they consistently cite a percentage higher than that for the general population. Baroff (1974) indicates that the most widely used estimate for mentally deficient persons in the general population is 3 percent. According to Blackhurst (1968), the estimates for mentally deficient persons in adult correctional facilities range as high as 55 percent. Sykes (1958) cites a study of inmates in the New Jersey State Prison which indicated that 45 percent of prisoners were classified as dull normal, borderline, or deficient intellectually. A random sample of 335 male inmates from the Mississippi State Penitentiary were tested with the Wechsler Adult Intelligence Scale (WAIS) resulting in a mean IQ of 85.7, which is in the dull normal range of intelligence (Jackson and Rice, 1971).

According to the American Association of Mental Deficiency, mental deficit is manifested in diminished maturation, ability to learn, and social adaptability (Kirk, 1972). Mentally deficient offenders are typically denied adequate rehabilitative services by agencies which serve the mentally retarded, because these offenders are considered to be primarily offenders and only secondarily mentally deficient. In offender programs they are often denied access to services because they are considered least likely to benefit from treatment and rehabilitation programs (Brown and Courtless, 1968). This is in spite of the fact that basic rehabilitative efforts could produce some real change in this type of individual.

The March 1983 issue of *Corrections Digest*, quoting the U.S. Justice Department's Bureau of Statistics, states that the nation's local county jails held an estimated 210,000 as of June 1982 and that for the entire year, more than 7 million people had served some amount of time. These figures represent more than a one-third increase over the previous 5 years. For the mentally deficient among these people, rehabilitation services could focus on the reduced capacity for seeking employment, making judgments, or adjusting to various demands of society. However, pretrial service reports and probation reports are for the most part woefully lacking in the data necessary to identify these people. The lack of a quickly administered, reliable, validated, and economical screening device is a major reason for this inadequacy.

Another major deterrent to initiation of rehabilitation programs for mentally deficient offenders is the scarcity of research-based knowledge which describes the scope of the problem and addresses effective methods for treatment. More than 30 years ago, Kirby (1954) surveyed offender treatment programs and concluded that most were based on hope and

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speculation, rather than verified information. Glaser (1966) points to the need for more appropriately educated research personnel to assure that offender rehabilitation programs be based on factual information. There is little indication in current literature of programs to identify mentally deficient inmates. Without proper identification, programs are not developed which deal specifically with the needs of this segment of offender populations.

Purpose and Methodology of the Study

The purpose of this study was to evaluate the validity of two brief, inexpensive tests of intelligence for use in the area of offender rehabilitation. These tests could be used to quickly identify mentally deficient offenders in large or small offender populations, as well as provide a reliable tool for research in offender settings.

Specifically, the study was designed to answer the following questions:

1. Does the level of intellectual functioning of adult offenders, as measured by the Kent E-G-Y Test, relate significantly to intelligence as measured by the WAIS?
2. Does the level of intellectual functioning of adult offenders, as measured by the Ammons Quick Test, relate significantly to intelligence as measured by the WAIS?
3. Does the level of intellectual functioning of adult offenders, as measured by the Kent E-G-Y Test, relate significantly to intelligence as measured by the Ammons Quick Test?
4. What is the probability of false negative indications of mental deficiently when using the Kent E-G-Y Test as a screening instrument for mental deficiency in a population of adult offenders?
5. What is the probability of false positive indications of mental deficiency when using the Kent E-G-Y Test as a screening instrument for mental deficiency in a population of adult offenders?
6. What is the probability of false negative indications of mental deficiency when using the Ammons Quick Test as a screening instrument for mental deficiency in a population of adult offenders?
7. What is the probability of false positive indications of mental deficiency when using the Ammons Quick Test as a screening instrument for mental deficiency in a population of adult offenders?

Tests used in this study were: the Ammons Quick Test, which is a rapidly administered, pictoral vocabulary test of intelligence which provides an index of overall cognitive functioning in the form of an IQ, a mental age, and percentiles (Ammons and Ammons, 1962). The Kent E-G-Y Test (Emergency Test) is a simple and informal instrument which can be presented briefly as a preliminary measure of mental ability (Kent, 1932). This test may be administered in less than 10 minutes and does not require that the subject be able to read or write. The Wechsler Adult Intelligence Scale (WAIS) is an individually administered intelligence test designed specifically for adults. The WAIS consists of two scales, one verbal, composed of six subtests, and the other, performance, composed of five subtests. Language is required for the verbal subtests, but not for the performance subtests (Wechsler, 1958). Although discrimination exists in standardized IQ tests toward minorities, the Wechsler IQ tests have been widely used in various forms since 1939 for educational and clinical assessment of many populations including minorities. Both the Ammons Quick Test and the Kent E-G-Y emphasize test items which are not as dependent on culturally biased or verbally loaded concepts as does the WAIS.

The population selected for this study consisted of prisoners incarcerated in the Jefferson County Jail, Birmingham, Alabama. This population afforded the opportunity to test people who had been convicted of less serious crimes which resulted in sentences of shorter duration. It was felt that this population would be representative of adult offenders who have potential for rehabilitation. Due to the small number of female inmates, a decision was made to draw a random sample from the total population of male inmates.

Subjects chosen through this random selection process consisted of 34 male inmates. Chronological age ranged from 17 to 45 years with a mean age of 25 years. Educational level ranged from 5 to 15 grades with a mean level of 9 grades. Categorization by race consisted of 15 white and 19 non-white.

Statistical treatment of the data included Pearson $\underline{r}$ to determine the level of correlation between scores on the various tests. Chi square was used to evaluate the probability of obtaining false negative or false positive indications of mental deficiency when using either or both the Ammons Quick Test or the Kent E-G-Y Test.

Results

Test results, using the Kent E-G-Y Test and the Ammons Quick Test, were compared to results obtained from the WAIS by the Pearson $\underline{r}$ test for correlation. Scores from the Kent E-G-Y Test, when compared to the WAIS full scale scores, yielded an $\underline{r}$ value of .67, significant at the .001 level of confidence. Scores of the Ammons Quick Test, when compared to the WAIS full scale scores, yielded an $\underline{r}$ value of .77, significant at the .001 level of confidence.

These tests were further evaluated which chi square to determine the likelihood of their producing false positive or false negative indications of mental deficiency. The Kent E-G-Y Test falsely predicted that 15 percent of the test population was mentally deficient when it was not. Approximately 6 percent of the population was predicted as not mentally deficient when it was. The chi square value obtained by comparing the relative frequency of predicting false negative, true negative, true positive, or false positive indications using the Kent E-G-Y Test was 9.60, significant at the .002 level of confidence. The chi square value, comparing the same frequencies, for the Ammons Quick Text was 9.60, significant at the .002 level of confidence.

Further evaluation of test scores indicated that the Kent E-G-Y Test and the Ammons Quick Test, when used in combination, yielded even stronger predictions. When both tests were administered, only three false positive and two false negative indications resulted. The chi square value obtained by comparing the relative frequency of the combined tests predicting false negative, true negative, true positive, or false positive indications was 13.62, significant at the .001 level of confidence.

Implications

Independently, each test represents an instrument which can be used to screen offenders for mental deficiency in less than 10 minutes. Since the majority of the population selected for this study was non-white, the significant correlation of the three tests and the stronger prediction value of the Ammons Quick Test and the Kent E-G-Y when used in combination seem to counter some of the claims of discrimination in IQ testing. The error rate for false negatives, on each instrument, would be acceptable since initial screening could later be confirmed by further testing. However, when used together, the two instruments provided results at such a high level of significance that further screening should be unnecessary for simple identification purposes. This capability for quicker screening for intelligence could greatly enhance the planning of case management in correctional settings, especially in the fields of pretrial services and probation. As a general rule, these two entities must make judgments about the rehabilitation potential of clients and report a plan of rehabilitation or supervision to the court or other authority. To devise plans which impact offender adjustment to employment, life skills, and interpersonal relationships seems ludicrous without some indication as to the offender's intellectual functioning. In the past, this capability to determine intellect has been limited by the economy of time and money. The validation of the Ammons and Kent tests seems to present a solution. Both tests can be administered by nonprofessionals in approximately 10 minutes for less than $1 each. Pretrial services officers and probation officers should seriously consider their use in evaluations when basic screening for intelligence is essential to the process.

Naturally, intelligence screening is not always necessary or even appropriate; however, when the court or the probation office does feel a need for this type of screening, the use of the Ammons and the Kent appears to be a quick and economical alternative.

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The Psychological Deficits and Treatment Needs of Chronic Criminality

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Introduction

ONE OF the problems in developing programs that are effective in changing criminal lifestyles is the lack of theoretical models to aid understanding of the chronic criminal, what maintains a life of criminality, and what is required to change to a noncriminal lifestyle. Theodore Millon (1981) suggests that the following quote from the early 1950's is as true today as it was then:

> . . . the popular labels for social deviation . . . seem merely to be a restatement of the outmoded category of "constitutional psychopathic inferiority." They do not refer to new concepts. Moreover, the accounts of psychopathic behavior given by present day behavior pathologists are still likely to be accusations rather than descriptions. (Cameron and Margaret, 1951)

Much of the writings on psychopathic, sociopathic, and, more recently, antisocial personality disorders also describe a variety of characteristics in no particular organized fashion. These terms primarily serve as convenient summary statements of some of the similarities between some individuals. For example, the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders II (DSM II,* 1968) provides the following descriptors: unsocialized, incapable of loyalty, selfish, callous, irresponsible, impulsive, intolerant of frustration, incapable of feeling guilt, and incapable of learning from experience. While this list is generally true for a chronically criminal population, it is so global as to miss the mark across many individuals and situations. Under certain conditions, antisocial or criminal people are exceedingly loyal (with peers), very guilt-ridden (about their children), very anxious (about a job interview), and can clearly learn from experience (adaption to prison life). Millon puts it well: " . . . the notion of an antisocial character has served to designate a rather varied collection of behaviors that have little in common with each other than being viewed as repugnant to the social mores of the time." (p. 184)

The committee that wrote the *DSM III* (1980) addressed these problems by changing the criteria for diagnosis of antisocial personality disorder to one that leans heavily on demonstrated criminality. Instead of labeling people as criminals because of their antisocial acts, *DSM III* identifies antisocial personality disorder on the basis of criminal activity. One of the authors of this section of the *DSM III* (Millon, 1981) has described the problems with this circular reasoning.

Another conceptual model for chronic criminality comes from Yochelson and Samenow (1976) and Samenow (1984). These writers suggest that criminals generally act out of excessive need for excitement and self-gratification. They suggest that treatment should consist of modifying thinking patterns, and they present 52 disordered thinking patterns. The thinking errors presented by these writers have proved to be excellent clinical descriptions, but their work on conceptualizing a model of deficits consists only of a list of these clinical phenomena. The 52 thinking errors overlap and contradict one another and are not presented in any organized order. The work of Samenow and Yochelson also focuses on cognition and largely ignores the emotional and behavioral spheres of human existence.

Millon (1981) has provided a thorough conceptual model for a full range of personality disorders. He identifies antisocial personality disordered people as having five primary characteristics: hostile affectivity, assertive self-image, interpersonal vindictiveness, hyperthymic fearlessness, and malevolent projection (p. 198). Both Samenow and Millon present theoretical models based on psychological deficits brought on by excesses of particular characteristics.

Millon believes that the concept of antisocial personality should be much broader than criminality, and he has geared his model to encompass the devious executive as well as the highly recidivist criminal. Millon's position on separating antisocial personality disorder from chronic criminality is sound, but it leaves us without a coherent model of chronic criminality.

The purpose of this article is to provide a working model on the nature of persistent criminality that builds on previous theorizing and is helpful in the day-to-day work of parole and probation officers, alcohol and drug counselors, and other mental health professionals. The model presented here attempts to clarify what keeps people in a repetitive cycle of criminality despite punishments, incarcerations, counseling, and other interventions. The model puts forth the concept of "chronic criminality" to describe, in hopefully the least confusing terminology, the global characteristics that separate highly recidivist

criminals from other groups. The model does not explain all of criminality, only the characteristics that people with repetitive patterns of criminality seem to share.

The model of chronic criminality presented in this article raises the age-old question of whether these people are fundamentally "sick" or fundamentally "bad." When society perceives chronic criminals as "sick," society encourages helpful, supportive treatment. When society perceives chronic criminals as "bad," society wants punishment. The philosophical position taken in this article is that both of these stands are partly right and partly wrong. Chronic criminality is not presented as a disease that is beyond volitional control, but it is presented as a series of deficits that can be ameliorated, given active participation by the client in the treatment process. Chronic criminality is not presented here as primarily an aberration of morality, but recovery from the deficits of chronic criminality require sustained effort for which the criminal must be held accountable.

A Model of Psychological Deficits and Treatment Needs Associated with Chronic Criminality

Figure 1 presents a model, in outline form, of the deficits and treatment needs of chronic criminals. The column on the left lists individual psychological (personal) deficits. The middle column lists how these personal deficits tend to show themselves in an interpersonal context. The column on the right lists the subsequent critical treatment needs of this group. The individual deficits are listed in the order that they seem to occur. That is, the combination of excessive need for stimulation and low frustration tolerance seems to be primary, with rigid thinking, compartmentalized thinking, and inability to process affect coming as almost natural results of the deficits listed above each item. Likewise, the interpersonal deficits seem to flow from all the individual deficits listed above and to the left of them. Under "Treatment Needs," those items listed on the far right are seen as resulting from the personal deficits and as necessary preconditions to all other treatment interventions. The other treatment needs are seen as flowing from the identified personal and interpersonal deficits.

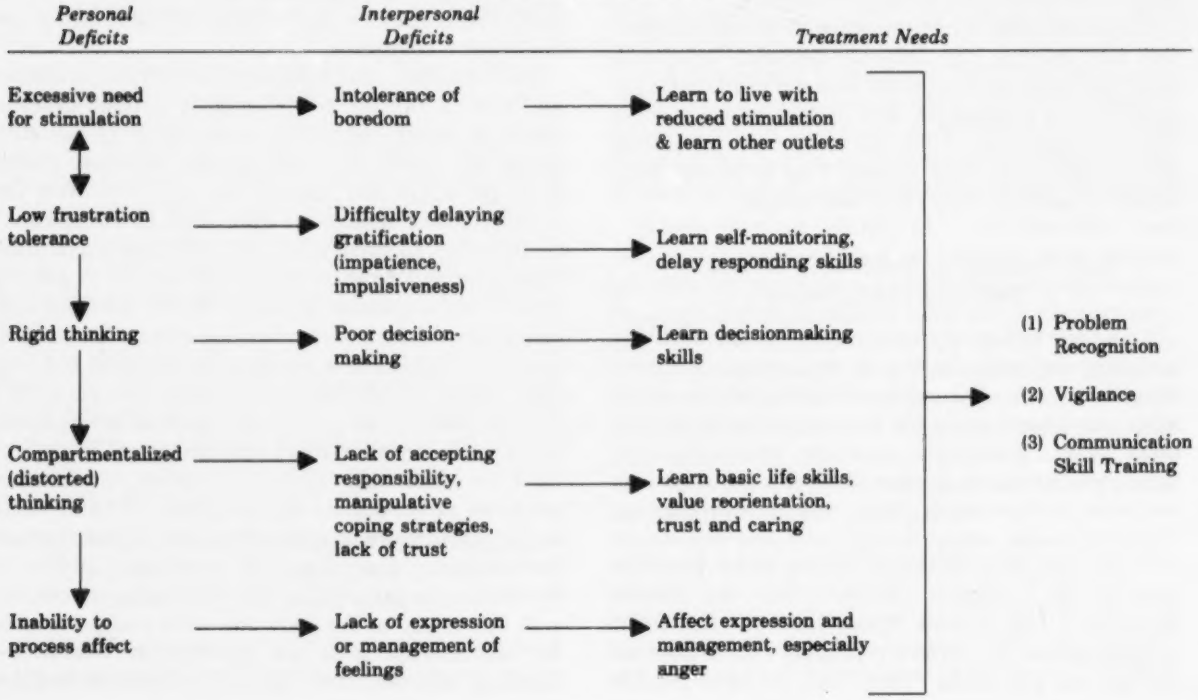
Personal and Interpersonal Deficits

Excessive Need for Stimulation—Intolerance of Boredom

Excessive need for stimulation means having an intense need to feel sensations and having a drive for excitement that shows itself in intolerance of boredom and a high demand on both environment and self.

Quay (1965) presents physiological evidence that chronic criminality is associated with deficits in

FIGURE 1. A MODEL OF PSYCHOLOGICAL DEFICITS AND TREATMENT NEEDS ASSOCIATED WITH CHRONIC CRIMINALITY


Personal Deficits
Interpersonal Deficits
Treatment Needs
Excessive need for stimulation
Intolerance of boredom
Learn to live with reduced stimulation & learn other outlets
Low frustration tolerance
Difficulty delaying gratification (impatience, impulsiveness)
Learn self-monitoring, delay responding skills
Rigid thinking
Poor decision-making
Learn decisionmaking skills
Compartmentalized (distorted) thinking
Lack of accepting responsibility, manipulative coping strategies, lack of trust
Learn basic life skills, value reorientation, trust and caring
Inability to process affect
Lack of expression or management of feelings
Affect expression and management, especially anger
(1) Problem Recognition
(2) Vigilance
(3) Communication Skill Training

neural reactivity to sensory input. Quay observes that the impulsivity of these people may stem from "lack of even minimal tolerance for sameness." Quay argues that people with low neural reactivity would frequently find themselves in a condition of stimulus deprivation and that this state is unpleasant and leads to seeking new stimulation. Quay then argues that in a highly organized society, the almost constant search for new stimulation would frequently involve breaking some moral or legal code. Quay's work has been supported and expanded (Skrzypek, 1969; Chesno and Kilmann, 1975).

From more casual observations, most recidivist criminals are easily identified as thrill seekers. They talk about the excitement of the crime with as much passion as an addict about his drug. Chronic criminals associate the criminal life with the "fast life"—fast cars, fast money, fast women, and fast drugs. Danger is stimulating and exciting. Criminal acts by this group are done more because of the danger than in spite of it. This is the "recklessness" in item C(9) of the *DSM III* criteria for antisocial personality disorder and Millon's "hyperthymic fearlessness."

The constant search for stimulation in chronic criminals shows itself in their intolerance of boredom. In any kind of routine situation, whether it is prison or employment, these people search for ways to break the routine, including trying to see how close they can come to getting into trouble. Boredom seems to create more anxiety for these people than truly fearful situations. Samenow (1984) suggests that criminals more often act out of boredom than from deep unresolved psychological conflicts.

Excessive need for stimulation also seems to convert into general high internal demand. Criminals, even the most chronic, tend to have unrealistic expectations of themselves, as well as of others and the world around them. Most sincerely voice grandiose plans concerning their future. This is partly what Millon means by "assertive self-image."

Low Frustration Tolerance—Difficulty Delaying Gratification

Low frustration tolerance simply means difficulty accepting any setbacks to goal attainment. Difficulty delaying gratification refers to a lack of ability to set aside short-term goals for the achievement of long-term goals. Excessive need for stimulation by recidivist criminals is matched only by their low resilience to frustration. Many people have high excitement needs: mountain climbers and sky divers come to mind. But, chronic criminals do not have the tenacity of mountain climbers, nor the careful foresight of sky divers. Small failures tend to be catastrophized by chronic criminals rather than accepted and put aside. They tend to have trouble tolerating anything less than full, immediate gratification. Goals are set by the minute or hour rather than the month or year. This impulsiveness and impatience (see *DSM III* criteria C(7) for Antisocial Personality Disorder) set up blocks to ordinary routes of learning—it is difficult to learn from experience if you can't see beyond the frustration of the moment. If it were true that chronic criminals had difficulties with both excessive need for stimulation and low frustration tolerance, one would expect this population to have difficulty learning tedious tasks under stressful conditions. Electrical shock experiments show that people with antisocial personality disorders have more difficulty learning rote tasks under stressful conditions than the general population (Lykken, 1957; Hare, 1965).

Samenow (1984) describes this phenomon of low frustration tolerance well:

> The slightest disappointment can trigger a total collapse of his inflated self-concept. Small daily frustrations that most people cope with routinely are calamities for him—having to wait in line when time is short, receiving criticism from his boss, having his wife disagree with him. These things are not supposed to happen . . . His self-concept is easily shattered because he defines failure as being anything short of an immediate resounding success.

The combination of excessive need for stimulation plus low frustration tolerance may be the primary ingredients of chronic criminality, or what we have recently called antisocial personality disorder. Much of continuing criminal behavior can be explained by unreasonably high stimulation needs (including excitement and achievement) combined with the lack of resiliency or adaptability brought on by low frustration tolerance.

For example, concepts such as self-centeredness and lack of anxiety are frequently applied descriptions of psychopathic or sociopathic personality (*DSM III*, 1968). A typical pattern for these people is to get a job and initially do well, but after the novelty and challenge are gone (lack of excitement), to overreact to some slight setback (low frustration tolerance) and do something that results in getting fired. This sequence is perceived as showing self-centeredness, lack of concern for others, and lack of anxiety. As Samenow points out, one need not look that "deep" for deficits. Our person has acted in a manner in which all of us have wished to act at times, but we did not for fear of consequences. Excessive need for stimulation plus low frustration tolerance are more parsimonious explanations of what leads to action with failure to evaluate consequences than are formulations of psychopathy involving inability to feel anxiety or inability to feel concern for anyone but self. However, as life goes on—with excessive need for stimulation plus low frustration tolerance—thinking becomes more rigid and compartmentalized

to deal with the dissonance between actions and values. This does lead to self-centered rationalizations and the appearance of lack of anxiety.

Rigid Thinking—Poor Decisionmaking

Rigid thinking refers to thinking that is constricted, thinking that allows consideration of only a few options, rather than consideration of a full range of options. This is sometimes called "categorical," "channel," or "concrete" thinking.

One way to keep frustrations low is to narrow the range of choices. Research on the authoritarian personality (Rokeach, 1960) shows that intolerance of ambiguity in some people leads to rigid thinking. The popular view is that recidivist criminals are anti-authoritarian. Actually, the opposite is more often true. Chronic criminals often seek out authority to reinforce their simplistic "black or white" view of the world. People and issues tend to be seen as right or wrong, good or bad, rather than as some of each. People chronically involved with criminality are concrete thinkers who have a great deal of difficulty accepting or managing ambiguity. Complex issues are forced into an over-simplified thinking set.

This rigidity of thought interferes with personal change. New ideas or ways of thinking don't soak in very fast. Rigid thinking reduces openness to new ideas and makes learning more difficult (Checkley, 1941; Eysenck, 1964). Flexibility and adaptability to new situations are then poor. Some of the inability to profit from experience noted with this population comes from rigid thinking because of the difficulty of staying open enough to adapt to slightly different situations.

Oversimplified, limited, concrete, "black or white" thinking leads to poor decisionmaking. The precursors of intolerance of boredom and low frustration tolerance further distort decisionmaking processes. Decisions tend to be made on the basis of rapid relief and impulsivity rather than by thoughtful resolution, because limited information is considered and actions quickly follow. This usually results in fight or flight resolutions rather than communication and negotiation.

Rigid thinking also applies to self. These people tend to set unreasonably high standards for themselves and anything less than total success equals total failure. This thinking pattern goes something like this: "If I have failed (in some small way), I may as well get drunk and blow it all."

Compartmentalized Thinking—Lack of Taking Responsibility, Manipulative Coping Strategies, and Lack of Trust

A simple example of compartmentalized thinking is the person who continues to attend church in the morning, commit robberies in the afternoon, and doesn't ever think about the inconsistencies of those actions. Compartmentalized thinking is a predictable result of high need for stimulation, low frustration tolerance, and rigid thinking. These three come together to force massive rationalization to justify actions by keeping the blinders on to outside information. The impulsive actions just don't mesh with the rigid view of self. Something has to be done to cope with the dissonance: compartmentalized thinking. From the vantage point of an outside observer, the criminal's rationale for perceptions or actions is distorted thinking that often looks like mental gymnastics to manage seemingly contradictory points of view. But what else is possible with high internal demand, low resiliency, and rigid borders of thought?

Actions for instant gratification plus rigid and compartmentalized thinking yield a perception on their part that it is others, not themselves, who are responsible. They thus tend to assume the victim stance and blame others to cope with the dissonance between their actions and their thoughts or feelings. Millon labels this as "malevolent projection." Samenow simply calls it "victim stance."

That same dissonance between actions and thoughts or feelings leads to a variety of coping strategies to deal with other people. Some of their better known strategies include talking around issues, clever glibness, a seductive social manner, an intimidating social manner, generally exploiting another's weakness, overwhelming themselves so they don't have to deal with their own feelings, and so on. While these coping strategies are easily the most recognizable part of the chronically criminal person's behavioral repertoire, part of the thesis here is that these are not primary deficits, but secondary deficits resulting from excessive need for stimulation, low frustration tolerance, and rigid and distorted thinking. Yochelson and Samenow (1976) have done an excellent job of cataloging these coping strategies.

Words such as "dishonest," "narcissistic," and "amoral" have been used to describe these people, and they certainly show a corrupted honesty to compensate for their deficits in their day-to-day actions. But, at least some of those day-to-day actions are driven by fear-laden tactics, and thus the bottom-line emotion is often fear. Concepts such as "lack of fear," "lack of guilt," and "lack of anxiety" miss the point that chronically criminal people do much of what they do to cope with the fear, guilt, and anxiety that result from their personal deficits.

Socrates said that all knowledge comes from the self. Because of their deficits, chronic criminals have reason not to trust themselves and therefore do not trust others. They sense their own corrupted honesty and assume that everyone acts as they do. Millon

labels this phenomenon "interpersonal vindictiveness."

Inability to Process Affect—Lack of Expression or Management of Feelings

High demand, low frustration tolerance, and rigid and distorted thinking result in an inability to process affect. High demand and low frustration tolerance produce a lot of feelings. Rigid and compartmentalized thinking do not allow those feelings to be processed internally. Chronic criminals tend to deny their feelings, overrespond to their feelings, or, most commonly, vary between these two errors. In one common scenario, after an intense interpersonal conflict, the individual denies that the conflict took place, that it was important to him, or that he is angry, frustrated, or hurt. In some cases this denial of anger is understandable in that the individual senses from past experience that he may lose control and do something he will regret later. More often, chronic criminals carry fantasies that once they let their feelings out, they will lose what little control they possess. These fears, along with their rigid thinking, keep them bottled up and do not allow for any affect expression, which eventually leads to a fulfillment of their original fears of going out of control. In another scenario, the criminal responds to every feeling, giving it full vent, without thought. Angers, hurts, and frustrations are all catastrophized and feelings know no god but the self, so it must be others who are the source of the hurt. This is affect without monitoring by cognition—feeling without thinking. Most chronic criminals vary their errors between these two scenarios and need training in both expression and management of affect. Kraeplin noted deficits in affect with this population in the early 1900's; Checkley expanded on this notion in the 1940's; and Millon has recently labeled part of this phenomenon as "hostile affectivity."

*Treatment Needs**

The items to the right of the "Treatment Needs" column in figure 1 are basic for successful treatment of all the deficits shown by criminals. Without addressing these three items, it is impossible to penetrate the other treatment needs.

Problem Recognition

The personal deficits cause the psychological process of denial to be pervasive among most criminals. Until an individual begins to recognize and admit that he or she has a problem, little else can be accomplished. Alcoholics Anonymous (1939) has been saying this for many years. Getting a chronic criminal to admit errors, limitations, and loss of control over self can be a long and arduous task, but it is only the beginning of treatment. Yochelson and Samenow (1976) suggest instilling self-disgust, an uncomfortableness with self that makes the individual open to change. Some discomfort with self is necessary to begin treatment, but that discomfort can come in a variety of ways and can be stimulated by a variety of sources (prison, family, aging, value change, fear of death, health deterioration, etc.) Some chronic criminals come to treatment with an expressed desire to change; some develop problem recognition through supportive counseling; some need peer pressure in a highly structured residential setting; some are aided by intense confrontation; and still others are unreachable by any known methods.

Vigilance

Once a criminal has identified a series of problems and a need to change, vigilance must be established in monitoring and managing those problems in much the same way that a diabetic must learn to monitor and manage his or her diet. This is very hard for chronic criminals to understand. The best example of this process comes from the alcoholism literature (Gorski and Miller, 1982). Alcoholism is seen as a disorder from which the individual is always either recovering or relapsing. Much like being on an escalator, one is either going up or down, getting better or becoming worse. One of the points in this analogy is that the personal deficits are so pervasive in the individual's personality that unless the individual is actively monitoring and compensating for them, the individual is almost certainly relapsing into showing the interpersonal deficits and, thus, into criminality.

Communication Skill Training

Primarily because of distorted thinking, chronic criminals do not have an accurate feedback loop with the world outside themselves—no "real" line to the outside world. Very basic communication skill training is therefore an essential basic tool that is needed to begin treatment. The work of Bach and Wyden (1970) is presented in terms that are easy to understand. For example, a very common problem is poor listening skill. Learning to paraphrase is usually difficult for chronic criminals, but also necessary to their getting feedback and thus necessary to their treatment.

Affect Expression and Management

Normal use and processing of feelings involve two steps. First, identification and acceptance of feelings;

* The intent here is to briefly identify the major areas of needed rehabilitation for chronic criminality and to offer some comments on how those treatment needs can be addressed. It is not the intent here to describe a full treatment regimen for the treatment of chronic criminality.

second, modulating feelings against thinking and past experiences. Chronic criminals tend to use distorted thinking to deny their feelings, to act on their feelings without thinking first, or to combine both of these processes. Part of treatment needs to consist of training to identify and accept feeling and also to cognitively process feelings before taking action. This is often best done in a group therapy setting where peers can provide feedback and support. Basic reading on feelings identification (Rubin, 1969), group discussions, and individual assignments are also helpful.

Basic Life Skills Training

Because the personal deficits of chronic criminality usually begin in childhood or early adolescence (*DSM III*, 1980), these individals have not been in a position to learn specific skills needed for independent community living. It is difficult to learn basic academic skills, for example, if you have been suspended from junior high school. The institutionalization brought on by chronic criminality also produces skill deficits in such areas as meal planning, money management, and basic work skills. Pride keeps most chronic criminals from admitting these deficits. In fact, they will go to great lengths to cover them up. But, they have these deficits and can be taught basic life skills (Field, 1985).

It follows that lack of taking responsibility for self has led to basic life skill deficits in the lives of criminals. It does not follow that basic life skill training will make responsible people out of criminals. While life skill training needs to be a part of any treatment program, many prison programs assume that providing employment skill training and fostering personal skill management will rehabilitate criminals. This might be true if chronic criminals were like other people, which they are not. Because of their psychological deficits, massive life skill training alone produces little change in long-term criminal behavior.

Value Training

The psychoanalytic view of criminality, or antisocial personality disorder, is that the individual lacks a superego. The position taken here is that a superego exists in these people, but it is underdeveloped and distorted. There are many "criminal codes" that suggest superego-like mores and standards.

Value training begins with teaching criminals to drop overtly "criminal" or "convict" value standards such as the "snitch" mentality. At the Cornerstone Program (Field, 1985), chronic criminals are taught that treatment consists of caring plus accountability and thereby the "snitch" value is directly challenged. Bush (1983) points out that the treatment of criminality is in large part value reorientation. This work involves breaking through old, self-destructive lifestyles and is thus best done where peer pressure and even confrontation can be brought to bear, such as in a group setting or residential treatment program.

Vigilance is essential for this part of treatment. Changing what are destructive, self-oriented life patterns requires sustained effort. Empathy training such as the Alcoholics Anonymous (1939) continuing moral inventories are needed. Behaviorally, the paradigm is one of overpractice to compensate for the personal deficits. If the criminal has a history of chronic lying, he needs to over-practice honest disclosure. Thus, the concept of accountability is key. Because a chronic criminal has acted in an untrustworthy way so long, he or she is uncertain whether he or she can be trustworthy. Tight accountability provides feedback for every success as well as identifying areas that need more work. Almost instant feedback is needed for people who have for so long been impatient and short on attention span.

Develop Trust and Caring

Trust and caring begin to develop when criminals start practicing honest disclosure. As they learn some power and control over themselves, they begin to learn that some other people can be trusted and then the universe begins to appear much less random. At this point, a "caring-giving" orientation to life is possible instead of a "taking-demanding" orientation to life. However, this is just the beginning of responsible living. The best treatment program available can only take the edge off the criminality. The personal deficits remain. Treatment only provides a technology, or the tools, to cope with those deficits. Criminals need to be seen and need to see themselves as chronically disabled and, like the alcoholic, as continuing to be at risk for relapse.

Decisionmaking Skills

The interpersonal context of planning by chronically criminal people involves impulsiveness and then manipulating others to cover mistakes. Residential treatment can be structured so that chronic criminals are forced to slow down, identify the problem, brainstorm options to problems, think through the advantages and disadvantages of several possibilities, and select options based on objective criteria—in short, learn basic planning and decisionmaking skills. High internal demand, low frustration tolerance, and rigid and distorted thinking all facilitate poor decisionmaking. But like any skill, decisionmaking skills can be learned.

Self-Monitoring Skills

If high stimulus-seeking and low frustration tolerance lead to impulsiveness, it follows that those so affected need to be vigilant in monitoring themselves to avoid impulsiveness. Training in self-management techniques including thought-stopping, mental emergency drills, and personal planning to avoid relapse need to be a part of a viable treatment program (Hodgson and Miller, 1982). One of the most helpful tools in the treatment of criminality, however, is the thought log (Yochelson and Samenow, 1976). These self-report journals provide an assessment and monitoring function for both counselor and client.

Living with Reduced Stimulation and Finding Other Outlets

Criminality is exciting, and as a society we are all drawn to criminality as witnessed by the sheer numbers of cops and robbers shows on commercial television year in and year out. It is hard for chronic criminals to leave the exciting lifestyle behind. When they do, they mourn it the same way an alcoholic mourns the loss of alcohol. Criminals are often "hooked" into treatment programs by the initial excitement and suspense. Serious treatment, though, involves hard work day in and day out (so does responsible living). As treatment progresses, and the newness wears thin, most chronic criminals experience an "is that all there is?" feeling. Most chronically criminal people can do good work for short periods of time, but because of their deficits they have difficulty maintaining their energy for change over time. Put into one metaphor, chronic criminals are good sprinters; unfortunately, responsible living is more like a marathon. Responsible living seems monk-like to these people with a high need for stimulation. The reality is, however, that they need to reduce their accepted level of stimulation as a treatment goal. At the same time, they need to find other outlets for their energies that provide some of the same excitement, such as sports, acting, or music.

Finally, chronic criminals need to develop a support network that will serve to reinforce and maintain the gains they have made in treatment. Without continuing support for recovery from their deficits, most chronic criminals will eventually relapse into their criminal lifestyle.

Summary and Comments

A model for understanding the psychological deficits and subsequent treatment needs of chronically criminal people is presented and described. People who have been described as antisocial or criminal personality are seen as having particular psychological deficits in common. The ordering of the deficits presented here seems to explain much of chronic criminal attitude and behavior, and it incorporates most of the descriptors that have been used to define this population in the past.

The model is limited in scope. It does not explain all of criminality. Specific criminals may have other disorders or deficits as well as these listed here. More sophisticated models need to be developed for subgroups of chronic criminals (Monroe, 1981; Millon, 1981). No comment has been made throughout this article on the etiology of the basic personal deficits. This model is based solely on observation of what is, rather than being a part of any theory of personality or personality development.

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Probation Officer Job Analysis: Rural-Urban Differences*

By Lori L. Colley, Robert G. Culbertson, Ph.D., and Edward Latessa, Ph.D.**

Introduction

ONE GOAL of training activities is to prepare workers to achieve the legal and social objectives of the court or treatment goals of the institution (Gilman, 1966). However, goals and objectives are seldom reduced to precise procedures for training programs. Training programs often develop without consensus regarding the tasks performed by workers, without agreement as to the training required to adequately perform those tasks. This often reflects disagreement regarding the role and the function of many criminal justice professionals.

Adult and juvenile probation are part of this controversy. We are uncertain as to the knowledge, skills, and abilities necessary to function as a probation officer. Education received prior to employment as a probation officer often does not relate to day-to-day probation casework. Academic programs often fail to reconcile the principles of casework with the elements of law enforcement and surveillance required by the officer's daily functions (Eskridge, 1979). Furthermore, problems in traditional training arise when staff heterogeneity exists. When different professional backgrounds are brought to the same job, friction may arise as to the "right way" of doing the job. Training must reflect the differences among staff (Thompson and Fogel, 1980).

Additional problems encountered with probation officer training programs include the lack of trained trainers, time, funding for training, and administrative support. To overcome these difficulties, innovative training methods are needed. There have been few empirical attempts to determine the probation function or to quantitatively ascertain the frequency with which tasks are performed. Additionally, the relative importance of various skills in the successful performance of tasks is noticeably absent from the literature on probation and parole.

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Job/Task Analysis

The U.S. Department of Labor (1972) defined job analysis as the systematic study of the worker in terms of (1) what the worker does in relation to data, people, and things (worker functions); (2) the methodologies and techniques employed (work fields); (3) the machines, tools, equipment, and work aids used; (4) the materials, products, subject matter, or services which result; and (5) the traits required of the worker.

Ash, Levine, Sistrunk, and Smith (1978) noted five methods of job analysis: (1) task analysis, (2) job inventory, (3) position analysis questionnaire, (4) job elements method, and (5) the critical incidents method. Regardless of the procedure and the ultimate use of the analysis, Kohls, Berner, and Luke (1978) note that the goal of any job analysis is to "determine the basic component of work in terms of: (a) what is accomplished (the tasks performed); (b) what the worker does (the behaviors involved); (c) and the knowledge, skills, and abilities needed for successful performance (the required attributes of job incumbents)" (p. 235).

Job analysis is the major method used to study manpower in select areas of the criminal justice system. Extensive studies have involved the analysis of front-line policing occupations (State of Ohio, 1983; Dysinger, 1978; Nash, Rothenberger, and Tailey, 1978; Kohls, Berner, and Luke, 1978; Meyer, 1976; Stuart and Poole, 1976; Sciarrino, 1976; and Shavelson and Beckman, 1974). Job analysis has seldom been used to assess the tasks and duties performed by those employed in other areas of the criminal justice system.

The Role of the Probation Officer

While job analysis is widely recognized as a scientific method for understanding jobs, the process has seldom been used in probation. The contradictory demands made on probation officers by the organizational structure in which they work and the criminal justice system result in role conflict.

Practitioners entering the field of probation often begin their professional careers with idealistic visions of the "rehabilitative process." However, probation officers work in administrative bureaucracies that impose constraints on what they do, how they do it, and how effective they can be working with the persons they supervise. Probation systems also vary across

the United States. While most probation (and parole) systems are considered functions of the state, the system reviewed here is a function of county government.

In these uniquely structured county organizations, probation officers are appointed by the judiciary and serve at the pleasure of the chief judge of the county or the judicial circuit. Local politics often play an important role in determining who is hired and the person's job responsibilities. Client supervision strategies may be determined by the political philosophy of the judge rather than by professional standards accepted in the field. The political influence in most county-administered probation systems is minimal; however, a commonly held perception is that there are often tremendous variations between probation departments on the dimensions of effectiveness and professionalism.

For example, one department may employ officers who hold graduate degrees in the social sciences, with considerable experience in the "helping" professions, while a neighboring county may employ a part-time officer with a high school diploma who may be responsible for the supervision of several hundred cases. The roles adopted by probation officers, as they carry out their responsibilities, are determined by a variety of issues ranging from the personality of the officer to the political-social-legal philosophy of the agency administering probation services.

Probation work contains a wide array of responsibilities, some of which appear contradictory. Glaser (1969), Studt (1978), and McCleary (1978) have discussed two distinct missions probation (and parole) officers have: (1) to rehabilitate or treat the offenders who are amenable to treatment and (2) to protect society from those individuals who are a risk to the community. The problems encountered in the development of innovative training programs for probation personnel are meshed in the role conflict with which all probation officers must cope if they are to be successful in their careers.

The multiple role expectations and role conflict imposed on the probation officer present a dilemma for administrators charged with the responsibility of designing training programs. Almost every probation bureaucracy in the country offers some type of in-service program for newly employed probation staff. However, there is no universally accepted curriculum for training probation personnel. In one county, for example, it is not unusual to find numerous hours spent on the firing range and in self-defense training, while a neighboring county may emphasize training in family counseling and group therapy. The uniqueness of probation organizations is also reflected in the stated requirements of employment. Many probation departments have dual requirements which allow persons who have relevant experience in the field, but who lack a college degree, to qualify for employment.

A special concern is the need to train all new officers entering the field. Those charged with the responsibility of developing in-service training programs for this diversified group are faced with the dilemma of providing training beyond the capabilities of some, while repeating previous training experiences for others. The system examined in this research presents some unique problems in this regard.

The present research attempts to identify the tasks that comprise the probation function and determine the skills necessary to perform the tasks associated with probation work. The development of relevant training curriculum for the profession is contingent upon gaining a thorough understanding of the work performed by the probation officer and the knowledge, skills, and abilities needed to perform the job. "A competency-based training program is based on the actual tasks successful workers perform on the job rather than on textbooks, course outlines, or other such sources removed from the job itself. Basing a training program on the actual job tasks performed in the occupation will help insure that students will master the skills that will make them competent workers" (Blank, 1982: 56).

Methodology

The data collection process used in this study involved the development of a task and skill index that could be self-administered and appropriate for use with large groups of personnel. In the development of the instrument an extensive review of the literature was conducted. Included in this review were major topic areas of probation officer training needs, training methods, job analysis methodology, and pre-existing probation officer job descriptions. Utilizing the information obtained from the literature review, a preliminary list of tasks describing the duties of the adult probation officer was compiled.

Individual interviews were then conducted with a sample of job incumbents (N = 18) from various rural and urban counties to determine the principle tasks, duties, and responsibilities of the probation officer. Each interview was approximately 45 minutes. Job descriptions from each department were obtained prior to the interview process. Interview questions focused upon a brief description of each task, conditions under which the task was performed, and the frequency with which each task was performed. In addition, the knowledge, skills, and abilities necessary to perform the tasks were identified. Interview notes were assembled and categorized into carefully worded task and skill statements.

This initial task and skill index was reviewed by selected professionals, and a preliminary task and skill index was developed. Pilot tests of the preliminary instrument were completed by a small sample of probation officers. After the officers had completed the instrument, subsequent interviews were conducted to discuss any problems or difficulties encountered in completing the instrument. After reviewing the pilot sample's recommendations for modifications, the final index included 64 tasks and 61 skills which generally fell into three categories—client supervision, presentence investigation, and court work.

The instrument was printed in a booklet which included three parts. Part I included the Frequency Scale. Respondents were asked to assess task statements utilizing a scale printed at the top of each page. The Frequency Scale provided descriptors ranging from "I have never performed this task" = 0 to "I perform this task daily" = 6. The Frequency Scale included 26 task statements related to client supervision, 20 task statements related to presentence investigations, 10 task statements related to court work, and 8 task statements which could not be placed exclusively in one of the three categories—supervision, presentence investigation, and court work.

Part II included the Criticality Scale. Respondents were asked to assess skill items using a scale printed at the top of each page. The Criticality Scale provided descriptors ranging from "Of no importance" = 0 to "Of great importance" = 4. The Criticality Scale included 27 skill statements related to client supervision, 11 skill statements related to presentence investigations, 11 skill statements related to court work, and 12 skill statements which could not be placed exclusively in one of the three categories. Part III asked the respondent to provide general information about himself or herself including age, sex, race, experience, education, and caseload size.

The survey instrument was administered to a randomly selected group of approximately 50 percent of all Illinois adult probation officers (N = 240).

Results—Demographic Variables

The major characteristics of the 112 probation officers who responded to the survey are discussed below. The average age of the responding officers was 36.4 years; 53.3 percent were males; and 46.7 percent were females. Of those officers responding, 66.6 percent were Caucasian; 26.4 percent were black; 3.8 percent were Hispanic; and 3.8 percent were from other ethnic groups. Seventy-nine percent were employed in a department working exclusively with adult clients, while 21 percent were employed in departments serving both juvenile and adult probationers. In regard to department size, 7.8 percent were working in departments that employed 1 to 5 officers; 11.2 percent in departments with 6 to 10 officers; 15.9 percent in departments with 11 to 25 officers; 2.8 percent in departments with 26 to 50 officers; and 52.3 percent in departments with 51 or more officers.

Examination of the education variable revealed that 7.5 percent of the officers had earned some college credit, 9.4 percent had an associate's degree, 40.6 percent had earned a baccalaureate degree, 20.8 percent were working on a master's degree, 18.9 percent had earned a master's degree, 1.9 percent were working towards a Ph.D., and 0.9 percent had earned a Ph.D.

To compare rural and urban departments, the variable department size was dichotomized. After collapsing departments with 26-50 officers and departments with 51 or more officers, 55.1 percent of the total sample represented officers working in offices defined as urban. The remaining 45.9 percent of officers worked in departments with 25 or fewer officers, defined in this study as rural.

When comparing the rural and urban departments on demographic variables, no significant differences were found. This indicates that the difference in probation function between rural and urban departments is not due to differences in race, sex, age, education, or caseload size. The similarity between rural and urban adult probation officers reflects a greater uniformity in the probation function than was anticipated. Concerns regarding educational attainment of probation officers and the inability to attract college-educated individuals to probation work, especially in rural areas of the state, are not supported in this study. Rural departments are as capable as urban departments of attracting and retaining well-educated individuals to probation work.

The mean age for the probation officers in this study was 36.4 years. This may be indicative of a growing number of probation officers who have chosen probation work as a career. The probation system examined here has received considerable support from the state, resulting in an infusion of new staff and expanding programs. This has created new career opportunities for a system which previously offered little opportunity for upward mobility except for those who maintained strong political affiliation.

Results—Job Analysis Variables

Descriptive statistics and frequency distributions were computed for each task and skill rating. T-tests were conducted to compare responses for probation officers employed in departments with 25 or fewer officers, defined in this study as rural, with responses for officers employed in departments with more than 25 officers, defined in this study as urban.

Turning to the two scales used in this study, the Frequency Scale and the Criticality Scale, data from

the Frequency Scale revealed significant differences (.05 or greater) in the responses of rural and urban officers on 16 of the 26 task statements related to supervision, with responses from rural officers indicating that they performed 15 of the 26 tasks more often than did urban officers. The only supervision task which the urban officer performed more frequently was "refiles case and back to court if third visit is missed." We believe these differences are related to departmental size and specialization of function. That is, urban departments tend to delegate specialized functions to individual officers, whereas rural officers tend to perform more generalized roles and a greater variety of tasks as compared with urban officers. For example, some officers in urban departments may have the responsibility for conducting presentence investigations and may never be responsible for intake, referrals, supervision of clients, or other tasks frequently performed by officers working in rural departments.

For example, examination of the task statements revealed that an officer in a rural department completes "fills out risks and needs forms" more often than an officer in an urban department where this task is more likely to be performed in a specialized intake department by intake officers. The 14 other tasks performed more frequently by the rural officer than the urban officer support our argument that the rural officer performs a more generalized role than the urban officer. The rural officer more frequently "refers clients," "meets with clients," "verifies employment," "inquires as to drug or alcohol problems," "notes health of client," "verifies compliance with conditions," "updates field notes," "asks client about general problems," "determines emotional and mental stability," "visits client at his or her home," "sends letter to client if office visit missed," etc. Overall, the rural officer performs a greater variety of tasks and performs these tasks more frequently than the urban officer.

Examination of the Presentence Investigations section of the Frequency Scale revealed that rural and urban officers are much alike in the performance of this specialized function of the probation role. Significant differences appeared in only 5 of the 20 task statements related to presentence investigations, with the rural officers performing more frequently than their urban counterparts in all 5. However, it is important to note that when examining this specialized function, the differences reflect rural-urban probation officer role differences. For example, the rural officer has significantly greater contact with victims and insurance companies and similar interpersonal interaction that reflects the generalized nature of the rural officer's role. In the urban setting these functions are more likely to be handled by a specialist within the probation department.

Examination of the Court Work section of the Frequency Scale revealed rural-urban differences on 5 of the 10 task statements, with the urban officer performing more frequently in all 5 areas. The urban officer more frequently "attends sentencing hearings, update hearings, hearings to modify conditions of probation," and "takes court notes on proceedings" and "reports weekly on hours spent in court." Thus it appears that court work takes up more time for the urban officer.

Finally, several additional tasks that were not classified resulted in two rural-urban differences. The urban officers indicated that they more frequently "document terminations" and "attend yearly mandated training sessions" than did the rural officers.

Examination of the second scale used in this study, the Criticality Scale, revealed significant differences for only 4 of the 27 task statements related to "Supervision: Knowledge, Skills and Abilities." These data are important in that they substantiate the importance (criticality) of a wide variety of tasks performed by both the rural and the urban officer when the task is cited. Again, the differences reflected role differentiation. For example, rural officers more often responded that it was more important to be "oriented toward people," "use resources wisely," and have "knowledge of community resources" than did the urban officers. The urban officers felt that "recognizing the true criminal" was more critical. The other categories in the Criticality Scale, "Presentence Investigations: Knowledge, Skills and Abilities" and "Court Work: Knowledge, Skills and Abilities," revealed virtually no significant differences between the rural and urban officer on Criticality Scale.

The differences between rural and urban officers on the Criticality Scale were minimal, and the similarities should be stressed. That is, while we found significant differences between rural and urban officers on the Frequency Scale, data from the Criticality Scale support the notion that there is a wide range of functions which all officers defined as critical, regardless of location, and that difference relates to the frequency of the task performed rather than an absence or presence of a task concern. These similarities, however, should not minimize the need for training which considers generalized and specialized role performances for rural and urban officers respectively.

Implications for Training

While the rural-urban dichotomy is somewhat artificial, there are important differences in role performance required of criminal justice practitioners.

The variety of role expectations is greater for rural officers simply because the same number of tasks that are critical to successful performance of the respective probation agency are performed by fewer officers in the rural agency. The rural officer, then, must have a greater variety of skills, knowledge, and training than the urban officer, particularly in the area of supervision and presentence investigation. That is, probation officer training in rural areas must reflect the generalized nature of the probation officer's role. Training the rural probation officer is similar to training the general practitioner in medicine who is responsible for providing a vast array of medical services to a generalized patient constituency. Likewise, the rural probation officer must be somewhat skilled in all areas of the probation process. The intensity of training will probably be less in rural areas; however, this is compensated for by increased breadth of training to perform the large variety of roles required of the rural probation officer. These findings do not minimize the importance of the rural probation officer's role in the probation process. To the contrary, the rural officer's role is probably more complex than the urban probation officer's role, and training should reflect the complexity of the role.

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In Memoriam

Thomas E. Gahl
1947-1986

ON SEPTEMBER 22, 1986, Thomas E. Gahl was killed in the line of duty, the first Federal probation officer ever to die at the hands of a probationer. The Federal Probation System joins Tom's family and community in mourning his loss.

Thomas E. Gahl was born and raised in the university community of Valparaiso, Indiana, where his father was on the faculty of Valparaiso University. His grandfather and uncle, Lutheran clergymen, were influential in his life.

After graduation from Augustana College in Rock Island, Illinois—where he played football—Tom served in the Marine Corps, attaining the rank of first lieutenant as a tank commander while in Vietnam. Following military service, Tom obtained a master's degree in criminology at Indiana State University. He worked as a welfare caseworker and correctional officer intern before accepting a job as a Federal probation officer in Indianapolis. He served the Southern District of Indiana for 12 years.

When probationers expressed gratitude for the service Tom gave them, they typically described him as insightful, accepting, and helpful. Consistently, they commented that Tom's low-key approach and his faithfulness to them had been especially effective.

Tom's manner was also appreciated by friends, neighbors, and coworkers in a variety of other endeavors that commanded his attention. Tom and his wife Nancy were highly regarded as an exemplary couple in neighborhood, school, and church activities. The parents of two son, Christopher, 8, and Nicholas, 4, they were standouts in parent-teacher activities at Christopher's school.

Tom shared his diehard-Chicago Cubs-fan sentiments with Nancy and their sons, who he took to Chicago for games. From early on, he tutored the boys in sports activities and served as a coach for the neighborhood little league. He kept up his own athletic activities in his church's basketball and baseball games.

Tom held positions, including elder, trustee, and president, in the congregation of Our Redeemer Lutheran Church in Indianapolis. He also taught Sunday school and served as president of a neighborhood council of churches, on a committee of the Indianapolis Church Federation, and on an interchurch committee on housing, "Homes of Hope."

Tom's contributions to his home, government, community, and church were enhanced by his sensitive approach to people. He was as equally at home with his peers as with young people or his elders: A quiet leader among them all. Neither flashy nor charismatic, Tom was nonetheless a presence, a gyroscope able to lend balance and leadership with a sound and industrious approach to all that he tackled.

HARRY N. HUXHOLD, D. MIN.
Pastor, Our Redeemer Lutheran Church
Indianapolis, Indiana

Roberts J. Wright
1909-1986

EARLIER THIS year, *Federal Probation* lost a good friend. Roberts J. Wright was a member of this journal's advisory committee since 1967. Just days shy of his 77th birthday, Mr. Wright lost a long struggle with cancer. The corrections profession lost a leader and an innovator.

His commitment to the field of corrections spanned 40 years. In 1932, equipped with a bachelor's degree from Massachusetts' Springfield College, Mr. Wright began his career in corrections as a prison guard at the State Prison Colony in Norfolk, Massachusetts. He went on to become Associate General Secretary of the Correctional Association of New York and the American Correctional Association . . . Warden at the Westchester County, New York Penitentiary at Valhalla . . . Commissioner of the New York State Board of Parole—all stepping stones in a career that was capped by his service as Westchester County's first Commissioner of Corrections.

His military experience included active duty with the Navy in World War II and 26 years in the Naval Reserve, from which he retired as a commander.

Through his involvement in professional associations—the National Jail Association and the American Correctional Association, among others—he made some of his most significant contributions. Most notably, Mr. Wright was the driving force in providing a source for reporting news in corrections and the points of view of his fellow professionals. He originated the *Jail Association Journal* in 1939, serving as managing editor. That publication eventually became *Corrections Today*, and Mr. Wright's association with it lasted over 40 years. Anthony P. Travisono, the American Correctional Association's Executive Director, remembers Mr. Wright's determination that the American Correctional Association have a regular publication. "Bob felt publishing was the most important thing the association could do. Without Bob, we would not have had the early development of our prestigious magazine."

Roberts J. Wright will be missed by his many colleagues who have been enriched professionally by their association with him. His legacy to us remains—a productive, far-reaching career in corrections.

News of the Future

RESEARCH AND DEVELOPMENT IN CORRECTIONS

BY JOHN P. CONRAD
Davis, California

"More Research Is Needed"

LIVING AS I do in a community whose original claim to fame was a great college of agriculture, a hoary anecdote comes to mind whenever I hear of academicians volunteering to help veteran toilers do their jobs better. Seems that the new agricultural extension agent introduces himself to a grizzled old farmer, offering to show him new ways to farm better. "Well, son," says the farmer, "these days, I don't farm half as well as I know how."

How well this knee-slapping apothegm applies to the criminal justice practitioner considering an offer of criminological services is open to some question. We criminologists have been trying to help for a long time, but it's far from clear that our contributions—even when accepted—have brought about much improvement. Most police chiefs, judges, and penologists believe they could do a lot better with more money, more people, and, most of all, more public understanding. The clamor for more criminological knowledge is not deafening. That's understandable. Police must wrestle with the elusive problems of enforcing the narcotics laws, the maintenance of order in the inner cities, and the clearance of more crimes than they can possibly investigate; the caseload of the courts defers and sometimes denies justice; probation services are manned with skeleton staffs; prisons are desperately overcrowded and increasingly dangerous to all who must live or work in them. Wherever the crime problem is serious, the response must be crisis administration. In times like these, who needs criminology?

The answer, of course, is the criminal justice system of the future. The ebb and flow of social forces run in cycles. There have been many periods when criminal justice could meet its challenges with the resources at its disposal, and such times will return. If the increase of criminological knowledge will enable us to innovate to advantage, now is the time to plan for such an increase.

That brings me to the centerpiece for this disquisition. At the behest of the MacArthur Foundation, a formidable triumvirate of social scientists—David P. Farrington, Lloyd E. Ohlin, and James Q. Wilson— has published a plan for comprehensive new research strategy which will tell the world 10 years hence most of what we think we need to know about the control of crime—as of 1986.[1] Pronouncements from savants of such eminence deserve our full attention, and that is what they will get in these paragraphs.

The first pronouncement, on which the entire argument for the invigoration of research rests, is a forthright claim of ignorance:

> Whether we wish to prevent delinquency or rehabilitate offenders, whether we seek to strengthen families or improve schools, whether we believe that juvenile courts should get tougher or provide better services, we will be forced to admit, if we are honest, that we only have scattered clues and glimmers of hope (and sometimes not even that) on which to base our actions.
>
> This knowledge gap is the largest single impediment to strengthening our society's capacity to cope more effectively with crime. (p. 1)

The authors proceed with a comprehensive research design calling for a prospective "longitudinal-experimental" study of cohorts of offenders and non-offenders. They show that we have come to the end of the line on retrospective longitudinal research. As a veteran of this frustrating model of inquiry myself, I can underscore this conclusion. Such research is heavily dependent on official records, never assembled with the needs of research in mind, often incomplete or inaccurate. Police charges often overstate the gravity of the crime. The conviction charge will often wildly distort the nature of the offense committed as a result of the plea bargain. The data collector will often— if not usually— be at a loss to know what the offender really did. If there are funds enough to locate and interview the offender or his family, the interviewer will find that even the most cooperative respondents have unreliable recollections of distant and embarrassing events. Still, in spite of all these obvious shortcomings to the cheapest kind of longitudinal research, we've put together the makings of a theory in the work of Wolfgang and his

[1] David P. Farrington, Lloyd E. Ohlin, and James Q. Wilson. *Understanding and Controlling Crime.* (New York: Springer Verlag, 1986).

associates at the University of Pennsylvania,[2] Greenwood and Petersilia at the Rand Corporation,[3] and Dinitz, myself, and our associates at the Ohio State University.[4] In the most general terms, this theory asserts that there are persons whose frequent offenses assign them to a class of career or chronic criminals. Their careers begin in early adolescence and often continue to middle age. Contrary to what was believed before these studies, they do not specialize in any particular category of crime. What is most important about them is that they commit a volume of crime that is far disproportionate to their numbers. The police, prosecutors, and judges have long sensed the existence of this class of criminals, and relying on the statutory options allowed them, they have rather unsystematically done what they could to get them off the streets for as long as possible. Not long ago, Greenwood and Abrahamse offered "selective incapacitation"[5] as a statistical implement to separate these goats from the less persistently offensive sheep who clutter up the system. This is a case of the application of a crude theory to the development of a blunt instrument. To take up a familiar old refrain, dear to the hearts of academics of every stripe, " . . . more research is needed . . . . "

The Making of Criminal Careers

To lock up the career criminal as soon as he can be identified (assuming that constitutional and ethical objections can be overcome) will certainly prevent some crime, maybe a great deal. But criminal careers attract a continuous flow of recruits. Our object should be to shut off this flow to the greatest extent possible and as early as possible. I share with most liberals the opinion that as long as we have a chronically unemployed underclass, increasingly composed of blacks and Hispanics, we are going to have much more crime than the system can handle, and that many casual criminals are going to become careerists. Add to this so far insoluble problem the companion problem— equally resistant to solution— of narcotics addition and profiteering, and the prospects for genuine control of crime are unimpressive.

We have to begin somewhere, and criminologists look for the data we need to understand contemporary crime. If our theory about career criminals is of any use, we need to know how these people get that way. There are a lot of promising ideas. These careers begin in disorderly homes, many of which include fathers and mothers who are or have been criminals themselves. Careers are further reinforced in substandard inner city schools in which the primary goals are custodial rather than educational, and they are further reinforced in youth gangs. The unavailability of work diverts young men and women into various modes of hustling. All this is pretty well known to any criminologist who has been exposed to actual criminals as well as to the data of crime. What we don't know are the elements of a much more complex theory that accounts for those persons who are exposed to poor family influences, lousy schools, delinquent peer groups, and chronic unemployment who don't become career criminals. What are the exit ramps on this freeway to disaster? Can our society create barriers so that fewer people get onto that freeway at all? If so, how?

Longitudinal and Experimental

Our authors are preoccupied with the creation of theory. Inspired by the triumphant example of the natural scientists, they assert that,

> Ideally, there should be a relation between theory and research. Research should be used to generate theories, and theories should be used to guide research. However, many longitudinal researchers have not been particularly concerned with either generating or testing theories . . . . Some researchers may have felt that it was premature to design research to test theories until some of the basic facts about the development and termination of delinquent behavior had been established. (p. 57)

Later they underline this complaint with the rueful lament that,

> At present, criminology lags far behind the physical sciences: well-developed, falsifiable theories are rare in criminology. (p. 69)

It is hard to understand how three such sophisticated social scientists could hope that our discipline could approach the orderly elegance of physics and biology. The theories that will guide the longitudinal-experimental studies they advocate are crude, and the theories that will emerge when all this research is complete will still be crude and tentative. Institutional, material, technological, and spiritual changes will profoundly affect values and social structure and thereby falsify the theories of 1986 and 1996. The physicist can develop his or her theories in the certain confidence that the hydrogen atom of 1986 is exactly the same as the hydrogen atom of 1886 and the same as any conceivable hydrogen atoms of the future. The criminologist knows, or should know, that the data of the police station are of ephemeral validity. The quest for laws and theories in criminology that will emulate the accomplishments of Newton and Einstein leads to a blind alley in which

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[2] Marvin E. Wolfgang, *Delinquency in a Birth Cohort.* (Chicago: The University of Chicago Press, 1972).

[3] Peter W. Greenwood, Joan Petersilia, and Franklin E. Zimring. *Age, Crime, and Sanctions: The Transition from Juvenile to Adult Court.* (Santa Monica: The Rand Corporation, 1980).

[4] I refer to the Dangerous Offender Project, which generated three research monographs, all of which are summarized in my *The Dangerous and the Endangered.* (Lexington, Massachusetts: D.C. Heath, 1985).

[5] Peter W. Greenwood with Allan Abrahamse. *Selective Incapacitation.* (Santa Monica: The Rand Corporation, August 1982).

criminology would inevitably stagnate.

Having delivered myself of all this scepticism, I am still enthusiastically in favor of the longitudinal-experimental studies proposed by our authors. Practical fellows that they are, they spurn the long-term studies that a longitudinal approach usually implies. Instead, they suggest a series of 6-year studies in which behavior at various critical points in personal development can be watched and measured. The cohorts they have in mind would comprise the following:

General population:
Birth to age 6
Age 6 to age 12
Age 12 to age 18
Age 18 to age 24
Special populations:
Arrested persons, age 15 to age 21
Imprisoned persons, age 18 to age 24. (p. 162)

Each general population cohort would consist of a sample of 1,000 (to assure statistical confidence) with males and females and all ethnic groups represented proportionally. The two special cohorts would have to be more restrictively designed—the prison cohort would be all male. The authors believe that the cohorts should be drawn from a stable Standard Metropolitan Statistical Area (SMSA) to minimize the difficulties of followup contacts and records access in such highly mobile areas as Miami or Los Angeles. (p. 158) This consideration seems questionable. It is a widely held hypothesis that one influence favorable to crime is the personal anonymity of life in a community in which there is so much mobility that the sense of a neighborhood is lost.

Personal contact with each cohort member would be maintained on the basis of at least one annual interview. Information about each cohort member would be collected from all the obvious sources—family, teachers, employers, police, and courts. The authors recognize that not all the subjects may be enthusiastically cooperative but hope to encourage as friendly a relationship as possible through gifts, fees for interviews, and other benefits. With a note of disarming sweetness they add, "even a regular birthday card to subjects can help!" (p. 162) One wonders whether the Heisenberg principle, whereby the process of observation of physical data confounds the results, may apply to this winsome approach to data collection.

So much for the longitudinal aspect of this research. The studies are to provide for experimentation, too. From each cohort random samples will be drawn to test various possible interventions— as, for example, pre-school programs for disadvantaged children after the model of Head Start. Another example would be the study of how delinquent behavior begins in primary school years and its relation to subsequent criminality. Although the research design calls for 6-year studies, the authors suggest that plans should be made for longer term followups. (p. 155)

Another welcome feature of the general plan is the commitment to establish a data base for widespread use by the research community. (p. 174) They are not specific about the definition of this community, but I would urge that the more research interests are accommodated the more support the project will get. If the research requirements of educators, mental health researchers, and welfare administrators can be provided for in the schedules and protocols, everyone involved may benefit.

The magnitude of this project will be reflected in its cost. Diffidently, the authors say that they think the whole project will cost about $1 million a year, but they do not offer a budget. I don't think there's anything to be timid about. It will probably cost a good deal more, and it should not be subjected to a niggardly costing. The cost of prison operations in California alone runs to about $1 billion a year, with another $1 billion committed to new construction. When criminal justice runs to bills of this magnitude, a few million spent on research is a trifle. These studies are not going to wipe out these enormous appropriations of the taxpayers' money, but they may be the only basis we can find for making intelligent reductions in these appalling budgets.

Throughout this thoughtful book there is a good deal of worrying about the formulation of new criminological theory. I doubt that a stable theory that will endure any test of time can be derived from the data of crime that will at the same time be useful in bringing crime under more effective control. What is important is the creation of a method for describing the phenomenon and perturbing its parameters. Our question to the data should be along this line: *"If we do X to Sample S of Cohort C, will a favorable effect be found?"* Whatever the answer to this question may be, that favorable effect cannot be expected to survive indefinitely.

Grand theory has been a will-o-the-wisp for social scientists for too long. As George Homans, an exceptionally outspoken sociologist, recently commented in quite another context—the Parsonian theory of action—it "looked like a set of interesting Chinese boxes, which could be fitted into one another and into which all sorts of social behavior could in turn be fitted. Fitted—but what else could be done with them?"[6] Whatever one's views about the "Grand Theory" of Talcott Parsons, it should be basic that theories of the cause and prevention of crime and

[6] George C. Homans. *Coming To My Senses.* (New Brunswick, New Jersey: Transaction Books, 1984), p. 324.

delinquency will be useful only if the theorist can also say what can be done with them. This project will not attract public support as an exercise in theory-building, but will easily justify itself as a barometer of criminal behavior.

It is pleasant to find in a recent issue of *Science* that this project has caught on. The Office of Juvenile Justice and Delinquency Prevention has announced that it will fund three studies—at the University of Pittsburgh, the University of Colorado, and the State University of New York at Albany.[7] According to this article only minor changes in the Farrington-Ohlin-Wilson model have been made; the 6-year studies have been reduced to 5, "ideally extended up to 15 years," and the combined samples will add up to about 6,000. This is a great beginning, one which should revitalize our languishing discipline.

In the Belly of the Bureaucracy

To descend from mainframes and printouts of high tech criminology to the gritty realities of penology, I want to call to the attention of our correctional administrators the implications of Jean Harris' new book, *Stranger in Two Worlds.*[8] I doubt that many of my readers need to be reminded that Mrs. Harris is serving a 15-year term at New York's Bedford Hills Correctional Facility for the second degree murder of her lover, the "diet doctor" Dr. Herman Tarnower. Her account of the tragedy and the events leading up to it is not relevant here, nor are the questions raised about the fairness of her trail. What depressed me and, I hope, other penological readers, is her all too credible account of her treatment by marginally competent staff at Bedford Hills. It is a familiar picture. Guards are under nominal supervision and take out their frustrations on the prisoners. Inflexible rules prevent the administration from taking advantage of the extraordinary luck of having a talented prisoner of whom much good use could be made in the educational program.

Nobody loves a bureaucracy except upwardly mobile bureaucrats. When a bureaucracy fails to perform its basic function of supervision to assure that rules are consistently and fairly enforced, it becomes contemptible. American penology should have advanced beyond the state of affairs described by Mrs. Harris.

The results are not horrifying or scandalous in the headline sense. There is abusive conduct by some "correctional officers," and a good deal of unnecessary misery to be endured, not only by Mrs. Harris but by many others as well. Directors and commissioners, wardens and superintendents should consider Mrs. Harris' grievances and determine whether like complaints would be made by less articulate prisoners in their charge.

The point is obvious. The little good that prisons can do won't be done unless conditions of reasonable civility are maintained.

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[7] "Growing Focus on Criminal Careers." *Science*, Vol. 233, No. 4771, (26 September 1986), pp. 137-1378.

[8] New York: MacMillan, 1986.

Looking at the Law

BY DAVID N. ADAIR, JR.
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Charitable Contributions

MOST COURTS of appeals that have faced the issue have concluded that there is no authority for a district court to impose a condition of probation requiring the defendant to make contributions to a charity that was not the victim of the offense. These cases were most recently discussed in "Looking at the Law," 48 Fed. Prob. 80 (December 1984). The cases have all concluded that, although the district court has wide discretion in setting conditions of probation, the probation statute, 18 U.S.C. § 3651, contains an exclusive list of monetary penalties that may be assessed as conditions of probation: payments to the Treasury (fines); and payments to aggrieved parties for actual damage or loss caused by the offense.[1] *See United States* v. *John Scher Presents, Inc.*, 746 F.2d 959,963-64 (3rd Cir. 1984); *United States* v. *Missouri Valley Construction Company*, 741 F.2d 1542 (8th Cir. 1984) *(en banc); United States* v. *Wright Contracting Company*, 728 F.2d 648 (4th Cir. 1984); *United States* v. *Prescon Corp.*, 695 F.2d 1236, 1242-43 (10th Cir. 1982); and *United States* v. *Clovis Retail Liquor Dealers Trade Association*, 540 F.2d 1389 (10th Cir. 1976).

All of the cases decided so far have involved specific conditions of probation requiring the payment of amounts of money to charitable organizations. Would it be possible, however, to achieve the same result by imposing a fine and promising the defendant that a motion to reduce the fine portion of the sentence under the provisions of Rule 35, Federal Rules of Criminal Procedure, would be favorably considered if the defendant made a contribution to a charity? This question was recently answered in the negative in *United States* v. *Haile*, 795 F.2d 489 (5th Cir. 1986). In that case, the defendant was convicted, pursuant to a guilty plea, of conspiring to violate the Sherman Act. Defendant was sentenced to 2 years in prison and fined $50,000. The execution of the prison sentence was suspended and Haile was placed on probation for 2 years on the condition that the fine be paid within 120 days. The court indicated, however, that it would consider using Rule 35 to reduce the fine if the defendant wished to divert part of it to an approved charity within the 120 days. The maximum amount of the diversion was to be 25 percent of the amount imposed as a fine. The United States objected to the sentence and appealed.

The court of appeals relied on the above-cited cases for the proposition that 18 U.S.C. § 3651 does not authorize a payment to a charity. The defendant argued, however, that the sentence was permissible because it was based upon the discretion of the court to reduce a sentence under the provisions of Rule 35. The court of appeals disagreed, holding that the use of Rule 35 was simply a device to order a charitable contribution. The court reasoned that the sentence, in fact, ordered the defendant to pay $50,000 and the offer of the sentencing court to consider reducing the sentence after a charitable contribution simply provided the defendant with a choice as to whom he would make that payment. Any payments defendant made to charity, therefore, would have been "the direct product of the court's order."

The Fifth Circuit was not unsympathetic to the desires of sentencing courts to devise creative sentences in difficult situations. And it recognized that sentencing courts may take into consideration the voluntary charitable contributions made by a defendant:

> A district court undoubtedly has wide discretion in the range of sentence it imposes. That discretion can properly take note of the charitable spirit of a defendant, even a charitable spirit that has flowered only in the shadow of the jail wall. But such charity, however sincere, may not be ordered by a sentencing judge. It might be true that the rehabilitation of a person such as Haile will be fostered by charitable gifts or by the response from the community that they provoke. It might also be true that judicially approved charitable organizations can spend money, and thereby benefit the community, more intelligently than can the U.S. Government. Without a statutory footing, however, the courts are not free to make these policy judgments.
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> *United States* v. *Haile*, 795 F.2d at 492.

The Fifth Circuit was also aware that the difference between considering a defendant's charity in imposing sentence and, by court order, causing the diversion of fines away from the Treasury to a charity may appear to be slight. However, taking charity into

[1] The fact that 18 U.S.C. § 3651 includes an exclusive list of monetary penalties does not, of course, preclude the possibility that Congress may, in a statutory provision outside of section 3651, provide authority to assess different kinds of monetary penalties. For example, the Victim and Witness Protection Act at 18 U.S.C. § 3579(g) provides for restitution broader than that permitted in 18 U.S.C. § 3651 to be imposed as a condition of probation. However, there is currently no statute in effect that provides for a monetary penalty as a condition of probation other than a fine or restitution.

consideration in imposing sentence is authorized by statute; ordering the diversion of moneys to charity is not.

The *Haile* decision stands for the proposition that courts may not subvert the limitations of section 3651 on the types of monetary penalties that may be ordered by the court. Although this case involved an individual, its rationale would apply also to corporate defendants. Certainly such creative sentencing is more necessary in the case of corporate defendants, but, according to the Fifth Circuit, creativity has statutory limits.

Victim and Witness Protection Act

As has been discussed a number of times in this column,[2] the Victim and Witness Protection Act of 1982 (VWPA) is less than precise on such issues as the measure of loss subject to restitution and the determination of the victims entitled to restitution. Ordinarily, when faced with such ambiguities in legislation, courts will turn to the legislative history for assistance. In passing the Victim and Witness Protection Act of 1982, it is clear that Congress intended to broaden the authority of sentencing judges to "insure that the wrongdoer make goods [sic], to the degree possible, the harm he has caused his victim." S. Rep. No. 97-532, 97th Cong., 2d Sess. 30, *reprinted in* 1982 U.S. Code Cong. & Ad. News 2515, 2536. Yet, in grappling with the difficult issues of the Act, the courts have shown a surprising reluctance to refer to the congressional purpose behind it. This reluctance has led to a very slow development of the law under the Act and, perhaps, an underutilization of the Act's restitution provisions.

Recently, the Tenth Circuit Court of Appeals explicitly recognized the Act's broad purpose in upholding the judicial determination of loss that is largely independent of the amount specified in the indictment or agreed to by the defendant as part of a plea bargain—two common ways of determining loss. In *United States* v. *Hill*, 798 F.2d 402 (10th Cir. 1986), the defendant had been charged with transporting stolen goods in interstate commerce. The indictment specified that the defendant had taken steroid implants for livestock worth $20,000, but, at trial, evidence was introduced that showed that the loss to the victim was approximately $153,000 and that the defendant had caused that loss. The defendant was sentenced to 2 years custody and restitution in the amount of $148,330. On appeal, the defendant challenged the amount of restitution.

Although the court of appeals remanded the case to the district court to make specific findings as to how it arrived at the amount of restitution, it generally upheld a measure of loss that was not limited to the amount set forth in the indictment or specifically agreed to by the defendant:

> We hold that in determining the amount of loss to a victim for purposes of awarding restitution under the VWPA, a district court is not limited either by the amount specified in the indictment or the specific transactions alleged in the indictment. Taking into consideration the evidence adduced at trial and the evidence presented in the sentencing phase of the case, a district court may order a defendant to pay restitution to any victim for the amount of loss sustained as a result of the offense, so long as this amount is supported by a preponderance of the evidence.

United States v. *Hill*, *supra*, at 406.

The court explicitly compared the restitution provisions of the probation statute at 18 U.S.C. § 3651 with those of the Victim and Witness Protection Act. It noted that section 3651 limits restitution to "loss caused by the offense for which conviction was had," while the Victim and Witness Protection Act (18 U.S.C. § 3579(a)(1)) provides for "restitution to any victim of the offense."

> [W]e believe limiting a victim's recovery to the amount charged in the indictment or to particular counts of the offense is unwarranted given the compensatory objectives of the VWPA. The decision of the prosecutor to indict a defendant and the manner in which a defendant is indicted have little, if anything, to do with the objectives of the VWPA. . . . In addition, the VWPA specifically provides that "[a]ny dispute as to the proper amount or type of restitution shall be resolved by the court by the *preponderance* of the evidence. . . ." 18 U.S.C. § 3580(d) (emphasis added). Nowhere in the VWPA did Congress limit victim compensation to the indictment, even though it must have been aware of such a limitation given the Federal Probation Act by certain courts. Given the absence of limiting language, the provisions of section 3580(d), and the compensatory objectives of the VWPA, it is reasonable to infer that Congress did not intend to limit victim compensation to the amount specified in the indictment.

United States v. *Hill*, *supra*, at 405.

The rationale articulated by the court of appeals is applicable not just to cases in which proof at trial is available to prove loss as it was in *Hill*. It is also applicable in guilty plea situations in which the defendant pleads guilty to one or more counts of a multi-count indictment and the other counts are dismissed. So long as it can be shown by a preponderance of the evidence that a loss was caused by the offense, restitution should be available for such loss. *See, e.g., United States* v. *Pivirotto*, 775 F.2d 82 (3d Cir. 1985), discussed in "Looking at the Law," 50 Fed. Prob. 79-80 (March 1986).

Recent case law has also provided some guidance as to who is the "victim of the offense" under 18 U.S.C. § 3579(a)(1) and what kinds of harm caused by the offense may be the subject of a restitution order. In *United States v. Spinney*, 795 F.2d 1410 (9th Cir. 1986), the defendant was convicted of two

[2] *See, e.g.*, "Looking at the Law," 50 Fed. Prob. 79 (March 1986), 49 Fed. Prob. 79 (September 1985), and 49 Fed. Prob. 78 (March 1985).

counts of conspiracy to commit simple assault, a misdemeanor. The evidence at trial showed that defendant Spinney had participated in a scheme to intimidate one James Scott, who apparently had roughed up a friend of Spinney. Spinney recruited two acquaintances, Muller and Kaiwi, who were to help him kidnap James, take him out on a boat, "scare him to death," and bring him back alive. When the group arrived at Scott's house, they found his brother Russell there also and were forced to take both brothers with them. Once on the boat, the evidence showed that Muller, who had ingested great quantities of various intoxicants earlier in the day, went significantly beyond the original purpose of the abduction and shot both brothers, killing James and severely wounding Russell.

Spinney received two consecutive 90-day sentences, a $15,000 fine, and restitution of $20,337.59. The restitution consisted of funeral expenses for James and medical expenses for Russell. Spinney challenged the restitution on appeal, arguing that the misdemeanor conspiracy to commit simple assault did not result in the death and injuries for which restitution was ordered.

The court of appeals upheld the restitution order, reasoning that Spinney caused and participated in the conspiracy that created the circumstances that resulted in the death and injuries. Even the intervening cause of Muller's shooting the brothers did not reduce Spinney's responsibility to the victims because the death and injuries were directly related to the conspiracy. The court concluded that "a restitution order is authorized if the defendant created the circumstances under which the harm or loss occurred." *United States v. Spinney, supra*, at 1417.

In adopting this broad interpretation of "victim of the offense," *Spinney* is consistent with *United States v. Durham*, 755 F.2d 511 (6th Cir. 1985), in which a convicted bank robber was ordered to make restitution for a car he had burned in the course of the robbery, and *United States v. Keith*, 754 F.2d 1388 (9th Cir.), cert. denied, 106 S.Ct. 93 (1985), in which a defendant convicted of assault with intent to commit rape was ordered to make restitution for lost wages when the victim left her job after receiving what she perceived to be threats from the defendant's mother. See "Looking at the Law," 49 Fed. Prob. 79-80 (September 1985).

FOIA and Presentence Report Disclosures

In "Looking at the Law," 49 Fed. Prob. 77 (March 1985), it was reported that the Department of Justice had concluded that a presentence report in the custody of the Bureau of Prisons or the United States Parole Commission was an "agency document" for purposes of the Freedom of Information Act (FOIA) (5 U.S.C. § 552). Prior to that time, it was the position of the Administrative Office that the FOIA was inapplicable to the presentence report because court records are not subject to the provisions of the FOIA (5 U.S.C. §551(1)(B)), and presentence reports continued to be court records even when in the custody of executive branch agencies. The Department of Justice had supported that position in litigation involving presentence reports. After several courts of appeals had disagreed, however, the Department of Justice finally decided to abandon that position in light of those decisions. *See, e.g., Crooker v. United States*, 760 F.2d 1 (1st Cir. 1985).

Despite this technical change in position, the Bureau of Prisons and the Parole Commission did not change their policy of referring all requests for presentence reports in their custody to the appropriate sentencing judges. If a sentencing judge refused access to a presentence report, and the person requesting the report pursued its disclosure under the provisions of the FOIA, the Department of Justice would rely on certain exemptions within the FOIA to attempt to avoid disclosure and to maintain the confidentiality of the presentence report. Whether any of these exemptions routinely protected the disclosure of presentence reports, however, was unclear.

Recently, the Court of Appeals for the District of Columbia Circuit decided that Exemption 5 of the FOIA (5 U.S.C. § 552(b)(5)) applies to presentence reports in the custody of the Bureau of Prisons and the Parole Commission. *Durns v. Bureau of Prisons*, No. 85-5704 (D.C. Cir. Sept. 12, 1986). Exemption 5 exempts from FOIA disclosure intra-governmental memoranda "which would not be available by law to a party . . . in litigation with the agency." The exemption was designed to generally protect documents that are privileged from disclosure in a civil case.

In reaching its decision, the court of appeals noted that case law has established that presentence reports are not routinely available to parties in litigation. There is, of course, a long history of court decisions supporting this principle. *See, e.g., United States v. Charmer Industries*, 711 F.2d 1164, 1172-76 (2d Cir. 1983), and the cases cited therein. The court also reasoned that presentence reports are "roughly analogous" to other privileges against disclosure held to be covered by Exemption 5. In providing for Exemption 5, Congress recognized that certain privileges against disclosure were necessary to "ensure frank and open discussion and hence efficient governmental operations." *See United States v. Weber Aircraft Corp.*, 465 U.S. 792, 803, n. 23 (1984).

Presentence reports, the court held, are privileged for the same reason:

> The privileged nature of presentence reports reflects the prevailing judicial view that the public availability of presentence reports would likely inhibit the flow of information to the sentencing judge. *Charmer*, 711 F.2d at 1173. . .

Durns v. Bureau of Prisons, slip op. at 9.

The *Durns* decision means that the Bureau of Prisons and the Parole Commission now have explicit authority to reject FOIA requests for presentence reports based on Exemption 5 of the FOIA—at least requests made in the District of Columbia. It should be recognized, however, that there are similar cases pending in other circuits. Therefore, although *Durns* is an important and helpful decision, it may not be the last word on the subject.

Reviews of Professional Periodicals

CRIME AND DELINQUENCY

Reviewed by CHARLES L. STEARNS

This special issue of *Crime and Delinquency* focuses on prison classification as a principal component of a sound prison management program. It is concluded that—while not all systems are working with maximum efficiency, not all have been properly developed or validated, and not all have been implemented into smoothly running programs—great gains have been made toward the establishment of validated systems that do things right.

"Client Management Classification Strategies for Case Supervision," by Kenneth Lerner, Gary Arling, and S. Christopher Baird (July 1986). Spurred by court orders requiring consistency in correctional decisionmaking, as well as the need to utilize limited cell space and staff resources optimally, strategies for case supervision have evolved. This article describes the client management classification (CMC) system which was developed to aid in assessing problems and needs, to provide an objective consult to help officers formulate goals, and to provide for different supervision strategies appropriate to different types of offenders.

The CMC approach utilizes a 45-minute semistructured interview and a forced-choice rating instrument. Based on supervision techniques used to work with each, five groups are established: (1) Selective Intervention, Situational; (2) Selective Intervention, Treatment; (3) Casework/Control; (4) Environmental Structure; and (5) Limit Setting. These classification groups and supervision strategies are described, stressing implications both for correctional institutions and the correctional field.

Currently, all jurisdictions are seeking ways to reduce populations in crowded and outmoded correctional facilities with the major thrust being control while ignoring offender differences. The authors suggest that it may well be time for correctional programs to focus more attention on staff training and differential approaches to supervision. Although the use of CMC in institutions is too new to provide definitive results, early studies suggest a statistical impact in reducing recidivism and increasing employment in high-risk probationers. Given the high cost of constructing and operating correctional facilities, the potential savings of an 8 to 10 percent reduction in revocations is enormous, both in economic and human terms.

"Evaluating How Well Your Classification System Is Operating: A Practical Approach," by James Austin (July 1986). Prison systems are experiencing pressures to upgrade their traditional approaches for determining an inmate's classification level with the objectives to reduce prison violence and escapes, provide more accountability, and help forecast future bed needs. In this informative article by James Austin, an attempt is made to determine if these systems have been properly designed and are being used as intended.

This article applies the lessons of one state (California) to propose a methodology for evaluating how well designed a particular model is and if implementation is occurring as intended. First, an examination is conducted assembling the data base and quantifying classification decisions. Once the data base is established, statistical analyses can be done to determine what initial and reclassification factors are having the greatest influence on the scoring process. In California, the most striking finding is the overwhelming influence of the DSL (Determinate Sentencing Length) in determining the classification level. It alone accounts for 79 percent of the variants in total score. The pattern in the California scoring process suggests that the system is less sensitive to recent in-custody conduct, that inmates with lengthy sentences will have little opportunity to be transferred to lesser security institutions, and, finally, that by relying so extensively on prison term, the courts, rather than corrections, are more influential in determining an inmate's classification level. It was found also that inmates, due to prison crowding, were not being assigned as scored.

Some attention then is given to the relationship of scoring to validation analysis. Most significantly, it was found that inmates are so designated largely because of their sentences and not because they are disciplinary problems. Consequently, many "high security" inmates could be housed in less secure facilities with substantial cost savings.

Policy implications suggest a significant shift in current classification policy by reducing the weight

given to determinate sentencing length would reduce the need for high level classification beds. This in turn would reduce the capital outlays for the state in future years. Uncritical adoption of a classification system without first pretesting and simulating its impact is simply bad correctional policy. Process evaluations of what we are doing could lead to more cost-effective and humane policies.

"Organizational Imperatives and Sentencing Reform Implementation: The Impact of Prison Practices and Priorities on the Attainment of the Objective of Determinate Sentencing," by John R. Hepburn and Lynne Goodstein (July 1986). Determinate sentencing designed as a means of increasing sentencing equity and reducing inmate release uncertainty and coerced program participation, serves as the backdrop for this article which examines the affect of prison practices and policies on the attainment of the objectives of determinate sentencing.

Focusing on the reform states of Illinois, Minnesota, and Connecticut, this article explores the prison practices and policies governing good time, supervised release, and program participation. The authors found that the stated objectives of determinate sentencing are impeded by the organizational needs and practices of the correctional system. In fact, they discovered that the correctional agencies had their own hierarchy of objectives and these objectives took precedence over those of the broader criminal justice system.

Certainly the issue of prison overcrowding affected the process and led to adaptive behavior on the part of the correctional system to meet the challenge. The authors found that policies governing good time, prisoner release, and program participation reflected prison crowding and the need to exert social control more than concern for sentencing equity, reducing inmate release uncertainty, and coerced program participation.

The results of the study led to the conclusions that there was a consolidation of power within each state's department of corrections; prison administrators' practices and policies can and do affect the equity of sentences; the practices in Illinois and Connecticut adversely affected the ability of determinate sentencing to increase certainty of release; coerced program participation continues despite the absence of parole decisionmaking; supervised release is a mechanism of social control by which the correctional system attempts to retain control; and, finally, administrative policies and practices in Illinois and Connecticut were influenced by overcrowded prison facilities and demonstrated that correctional administrators have been successful in finding creative solutions to this problem.

JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY

Reviewed by EUGENE H. CZAJKOSKI

"The Impact of Judicial Commentary Concerning Eyewitness Identifications on Jury Decision Making," by Richard D. Katzev and Scott S. Wishart (Fall 1985). The instructions and commentary a judge provides to a jury are often the subject of considerable doubt as far as both impact and appropriate limits. Although a court, as much as possible, seeks to employ ordinary techniques of reasoning, and from time to time engages in scientiffic testimony, the court process itself is not scientific. Yet, somewhat paradoxically, the non-scientific operation of the court is increasingly being placed under the scrutiny of social scientists. Lawyers and social scientists do not necessarily make strange bedfellows (as evidenced by the success of the journal in which this article appears), but it is important to keep in mind that they represent rather distinct approaches to the truth, with lawyers having to accommodate issues of fairness. The question regarding judicial advice to jurors, from a scientific point of view, is how does it affect jury verdicts. The appropriateness or desirability of any effect falls within the realm of jurisprudence.

Psychologists have, for some time, explored the accuracy of eyewitness testimony. Much evidence has accumulated to justify judicial concern that jurors understand the pitfalls of evaluating such testimony. Many jurisdictions permit judges to caution jurors regarding the validity of eyewitness testimony, although American courts, in general, have far less latitude in that regard than have British courts.

In an experiment utilizing mock juries of college students and contrived tape recordings, the authors tested the effect of three different extents of judicial instruction.

> In the first condition, the judge gave the jurors their charge, instructed them about their responsibilities, and provided them with a careful explanation of the crime of burglary. In the second condition, the judge gave the jurors these standard instructions plus a recapitulation of the evidence presented by the defendants and prosecution counsels. In the third condition, the judge provided the jurors with the standard instructions, a recapitulation of the evidence, and a formal judicial commentary that contained the judge's evaluation of the evidence presented, as well as a cautionary statement about the fallibility of eyewitness identification, which was supported by relevant psychological research.

The burglary case was a weak one.

It was found that, prior to deliberation, the more information provided by the judge, the less likelihood of a guilty judgment. Moreover, jurors spend decreasingly less time in deliberations as judicial instruction increases. The authors conclude that "information in the form of a judicial summary of evidence and commentary about eyewitness identification can influence jurors." This is certainly not a surprising finding as it reflects both the assumption of British jurists, who feel that extensive instructions effectively influence jurors to good result, and the assumptions of American jurists, who feel that judicial instruction might be effective in producing an unwelcome result, i.e., curtailing critical thinking on the part of jurors.

Considering the prestige and power of the judge, it would be hard to accept research evidence which indicates that judicial instruction to the jury does not have an impact. The question which remains, however, is not whether judicial instruction is influential but whether it is altogether appropriate. Does extensive judicial instruction dampen independent and careful analysis by the jurists? Does it unduly shorten the deliberative process of the jurors?

The research reported in this article was helpful, of course, but it was burdened by the fault (all too common in the social sciences) of dealing with artificial circumstances. The contrivance of a mock jury and a videotaped trial cannot compare to a real, living and breathing trial, strewn with emotions. It is somewhat like the difference between playing the game of Monopoly and investing one's own money in real situations.

Social Inequality and Crime Control," by David F. Greenberg, Ronald C. Kessler, and Colin Loftin (Fall 1985). The authors have chosen a fundamental and pervasive issue in criminology and have attempted to put together some rather slippery evidence to help resolve it. Because the issue under examination is so ideologically devisive and because it is so convoluted in concept, the experienced criminological observer would not expect that any empirical analysis, dependent upon elaborate and contestable statistical processing, would be appreciably conclusive. In such circumstance, the statistical findings are susceptible to conflicting interpretations with insufficient opportunity for firm logic to dispel mere plausibility. The shaky structure of proxy data, on which social science researchers must often rely, implacably produces equivocal results. Those who are inclined to believe that statistical legerdemain cannot make a silk purse out of a sow's ear are not likely to feel discomfited by what is reported in this article.

Although hardly the chief polarity to be found in the broad scope of criminological thinking, conflict theory (involving notions of normative heterogeneity and power politics) vs. rational public choice theory (involving notions of economic efficiency, social consensus, and political democracy) is certainly one of great current importance.

The authors spend relatively little time intellectually ruminating on the issue and, after a few references to the relative research of others, proceed to test the opposing theories on the narrow point of police strength. In essence, they have studied the relationship between racial and income inequalities on the one hand and variations in police strength on the other. The measure of police strength used is the number of police employees per 100,000 residents. Among the variables engaged were: violent crime rate, property crime rate, revenue per capita, mean income, and percent of non-white population. Cities having a population greater than 50,000 (providing a sample of 260 cities) were studied in terms of the time periods 1950-60, 1960-70, and 1970-80. South and non-south cities were separated from analysis.

Disappointing to conflict theorists, it was found that income inequality has virtually no impact on police strength.

In regard to the race factor, it was found that "as percent non-white increases, police strength increases up to a point, but then begins to decline." This finding is subject to many different interpretations. The conflict theorists would follow a line of thinking which holds that as the percent of non-white population increases, the dominant white society, fearing a rise in crime (as they define it), would seek increased police strength for purposes of repression. But it can also be argued that both white and non-white populations share a similar fear of crime and therefore would jointly support an increase in police strength as a means of protection rather than as a means of repression. It can also be argued that police perform many social services in addition to crime control services, and an increase in the non-white population affects police strength because of the greater demand on the social service aspects of police work. Moreover, as the authors themselves acknowledge, the size of a police force "may not be its most important characteristic." The way police officers are allocated within a city and police practices having to do with use of weapon and search procedures may be more significant than the size of a police force.

In regard to rational choice theory, the authors state, "if our data only support conflict theory weakly, they failed to support rational choice theory at all. Neither violent crime nor property crime is a very strong predictor of increases in police strength."

AMERICAN JOURNAL OF ORTHOPSYCHIATRY

Reviewed by CHARLES E. SMITH, M.D.

"Adolescent Sexual Offenders: Offender and Offense Characteristics," by Peter A. Fehrenback, Ph.D., Wayne Smith, Ph.D., Caren Monastersky, M.S.W., and Robert W. Deisher, M.D. (April 1986). In this article, the authors present descriptive data on 305 adolescent sexual offenders including the types of offenses and the circumstances under which they occurred. The authors observe that sexual assault and misbehavior is not infrequent among adolescents. For instance, one study showed over half of its reported cases of child molestations to have been carried out by persons under 18 years of age. These authors are also concerned about possible relationships between deviant adolescent sexual behavior and the later development of adult sexual offenses. In this context, the authors question earlier, more optimistic views of the potential for recidivism in adulthood of adolescent sexual offenders. They cite data which suggest that at least one of three convicted adult rapists or child molesters showed evidence of progression from non-violent adolescent sex crimes.

As with most sex offender studies, this one is subject to methodological problems. Perhaps the most significant of these is the lack of definition with which various sex offenses are characterized. In this study, the authors observe that "the most frequently occurring referral offense for male offenders was indecent liberties (59%)." No doubt, the characterization of "indecent liberties" covers a variety of sexual misbehaviors. Leaving aside these technical problems, the study does provide a wealth of interesting and hopefully useful data. The victims of adolescent sex offenders are usually relatives or at least acquaintances. Only rarely is a stranger victimized in an "indecent liberty" case. On the other hand, relatives are infrequent victims of exposers.

In 57.6 percent of the cases, there was substantial evidence that the offender had committed at least one prior sexual offense. Usually the prior offense was of the same type as the referral offense. In only 5 percent of the cases did the offender commit a completely different sexual offense. This observation is generally consistent with the traditional view that sexual offenders' behaviors do not tend to escalate over time. It is also interesting to note that only 11 percent of the offenders in this series had a history of having been sexually abused themselves. Sixteen percent of them had been physically abused, while 7 percent had been both sexually and physically abused. On the other hand, a significant number of these offenders (65 percent) showed evidence of significant social isolation. These offenders described having few friends, and very often they stated that they were without any close friends. The offenders in this group were about equally divided among those who were on schedule in their school work and those who were behind to some degree.

In closing, the authors suggest that an improved classification system is needed for adolescent sexual offenses. They also point to the need for better understanding of the nature of the relationship between the offender and the victim. In this connection, they point to the need for better understanding of the role of family dynamics in the development of sexual misbehavior. Finally and perhaps most importantly, the authors point to the fact that the results of their studies suggest that sexual offending is not part of normal adolescent development. In consideration of a variety of methodological problems which they identified in the course of their study, the authors urge additional research to include the assessment of non-sexually offending delinquents.

Your Bookshelf on Review

EDITED BY J. E. BAKER
Federal and State Corrections Administrator, Retired

Criminal Courts: Is There a Better Way?

Alternatives to Criminal Courts: The Potential for Non-Judical Dispute Settlement. By Tony F. Marshall. Hampshire, England: Gower Publishing Company, 1985. Pp. 310. $33.95.

The author modestly describes the purpose of the book as reviewing alternatives to criminal courts. Its accomplishments, as Paul Rock acclaims in the foreward, are more far-reaching. Marshall, according to Rock, effectively responds to the prolific field of alternatives to dispute resolution by taking stock of its arguments, policies, and programs in various countries and what has assumed the proportions and momentum of a major movement in the United States and less so in the British Isles. (On its 10th anniversary, the American Bar Association Special Subcommittee on Dispute Resolution reported that there is a dispute resolution "explosion." From a handful 10 years ago, mediation programs have grown to more than 350; mediators number 20,000 today compared with 2,500 in 1976.) In addition, unlike many who uncritically prosetelyze the virtues of alternatives, Marshall points to both their benefits and shortcomings.

The analytical scheme Marshall applies to alternatives to non-judicial methods of dispute resolution is the same as he uses to evaluate the criminal justice system. Basically, the criminal justice system is viewed as serving three functions: providing social control, facilitating the needs of private parties, and maintaining legitimacy. While the analytical scheme is articulated in terms of the criminal justice system, the alternatives to dispute resolution may include components of the criminal justice system other than criminal courts or "judicial settlement," which leads to some confusion.

In chapter two the specific elements of each function are discussed. As a means of social control, the criminal justice system is intended to achieve a variety of aims, such as deterrence, retribution, and control over the victim. Legitimacy or public acceptability is defined in terms of the achievement of justice, costs, and visibility. Finally, the private parties who can avail themselves of the criminal justice system include the victim as well as the defendant, the general public as well as law enforcement agencies.

The next four chapters describe various forms that non-judicial settlement can manifest from least to most formal. At one end of the continuum are private sanctions. These are exemplified by corporate self-regulation (e.g., professional—lawyers, doctors, police—discipline boards); corporate regulation of employee misconduct (e.g., theft); and corporate regulation of infractions committed by outsiders (e.g., shoplifting), all without resorting to prosecution.

The greatest proliferation of alternatives to dispute resolution has occurred in the area of community-based intercession, the subject of chapter four. Using a catholic definition of community-based methods, they refer to processes running the gamut from informal dispute settlement in small societies to institutions, such as community courts in socialist countries. The chapter also contains a descriptive analysis of 15 mediation projects in the United States, including the three city neighborhood justice centers, the San Francisco Community Board, and the Columbus, Ohio Night Prosecutor's Court.

The next two chapters deal with administrative sanctions and diversion from formal justice, respectively. In the latter chapter, civil courts, juvenile courts, and small claims courts are distinguished from other forms of formal justice and treated as alternatives. As this example demonstrates, to be exhaustive in his "taking stock" efforts, Marshall contributes to the conceptual and definitional problems prevalent in the alternatives to dispute resolution literature. By no means, however, should this detract from the worth of the discussion of strategies, such as pretrial and presentence diversion programs and alternatives to arrest (e.g., police cautioning, on-the-spot fines, and fixed penalties), which can effectively divert cases from the criminal courts.

It is not until the last chapter that Marshall reintroduces the analytical scheme to specifically assess the non-judicial forms of dispute resolution covered in each of the four substantive chapters. Marshall's evaluation of privatization, community-based mediation, administrative processes, and welfare agencies is engaging and without any obvious bias, yet unsatisfying in its mere six and one-half page length. A more effective approach would have been to incorporate this critical discussion in the body of each of the chapters.

Marshall concludes the main part of the book by advocating a systematic approach to replace the cur-

rent, largely haphazard process of solving disputes. This systematic approach would be flexible, allowing "for a variety of approaches, interchanges between agencies, and even for changes over time in the nature of the dispute" (p. 163). It would not discard mechanisms in operation today, but rather evolve from them into a "system of options supplementing and making more effective present judicial arrangements" (p. 164).

Although short on providing the mechanisms for executing this systematic approach, Marshall does develop a scale for determining which offenses are divertible from the criminal justice system based on the analytical scheme used to evaluate the effectiveness of both the criminal justice system and its alternatives. Offenses which tip the balance in favor of prosecution include serious, violent crimes involving unrelated parties. The balance is more or less even for economic crimes and victimless offenses. And the balance is in favor of non-judicial methods for legally complex acts, regulatory offenses, minor violations, and crimes between related parties.

Finally, the rather extensive appendices on the subjects of domestic violence offenses, corporate crime, discrimination laws, and drunkenness offenses offer an improved organizational format. For example, each appendix addresses the nature of the offense and how it is dealt with by both the formal justice system and alternative methods. In some cases, these discussions are buttressed by statistics of the incidence of the offense and the manner of disposition.

Washington, D.C. JOLANTA JUSZKIEWICZ PERLSTEIN, PH.D.

Sentencing Alternatives British Style

Alternatives to Prison: An Examination of Non-Custodial Sentencing of Offenders. By Stephen Stanley and Mary Baginsky. London: Peter Owen Publishers, 1984. Pp. 183. £6.95.

Taking as their starting point the "accepted fact" that overcrowding is causing a crisis in the English prison system, and claiming "wide agreement" among criminal justice practitioners and reformers that the courts' use of prison sentences should be restrained, the authors organize this short but ambitious work around their principal contention that "many of those sent to prison could, and should, instead be given one of the various non-custodial sentences now available to the courts" (p.9). Emphasis upon what is "now" available reflects the authors' focus upon "developing existing sentences" rather than providing *new* alternatives which they fear may be "counter-productive" due to potential net-widening effects, and the likelihood of forcing traditional penalties down the sentencing tariff so that they become used for less serious offenses or less persistent offenders than before (p.163).

The authors begin their case for alternatives with an opening chapter entitled: "The Case Against Prison." This is followed by several chapters, the bulk of the book, devoted to a sort of state-of-the-art review of non-custodial sentences for adult and juvenile offenders in England and Wales. After a brief (23-page) discussion of alternatives in other jurisdictions, mainly the United States, a final chapter represents the authors' "attempt to bring together our findings and arguments, to suggest a way for the English penal system out of the dark ages of our prisons" (p.18).

For criminal justice audiences in the United States, Stanley and Baginsky serve two distinct functions. First, their book is informative as simply a descriptive account of not only English sentencing practices, but, indirectly, of the broader criminal process as well, insofar as topics addressed range from pretrial diversion, bail and detention, to parole. At this level, the American reader who can interpret the unfamiliar terminology for practices such as "cautioning," "remand," and "intermediate treatment" is rewarded by a broad, although obviously not comprehensive, survey of issues at some of the major stages of the criminal and juvenile justice systems in Britain.

In its second, more central function as a comparative contribution to the alternatives literature now burgeoning in the United States, *Alternatives to Prison* introduces far less that will be novel or otherwise likely to advance the construction vs. conservation debate over prison resources. Rather, the book follows a format familiar in several other alternatives reviews, progressing from the facts of overcrowding and the folly of trying to build our way out of it, to a reinforced affirmation of the need to promote alternatives, prompting a review of the available menu, finding a frustrating paucity of empirical evidence to inspire confidence either in their effectiveness or in their "alternativeness" (i.e., the extent to which they have actually been used in lieu of incarceration), and ending with prescriptions for doing better on both fronts in the future.

The authors' "case against prison" argues the well established costs and the far less established efficacy of prisons as weapons in the crime control arsenal. Attacking primarily the treatment and deterrent justifications for incarceration, the "case" is weakened by the book's far more cursory consideration of the power of *incapacitative* instincts as obstacles to the quest for alternatives. Where the book is able to identify a sanction that does appear to have had

some impact as an alternative in Britain, such as the community service order, advocates of reduced custodial dispositions might have wished for more explanation, or even speculation, as to the *implementation* factors behind its apparent success. Likewise, disappointment over the vagueness of the authors' concluding exhortation that a rather undelineated mixture of probation options may represent Britain's best hope of escape from the dark ages of its prisons, is compounded by a lack of attention to *strategic* considerations that might have as much or more of a bearing than the substance of those options in determining their potential acceptance as true alternatives to custody. As a result, neither alternatives-advocates in the United States, nor opponents of the British government's massive 360 million prison building program, to which so much of the Home Office's hopes for eliminating over-crowding by the 1990's are tied, will derive much practical guidance or new philsophical insight from this source.

Philadelphia, Pennsylvania ALAN T. HARLAND, PH.D.

The Judicial Mind

The Psychology of Judicial Sentencing. By Catherine Fitzmaurice and Ken Pease. Manchester, England and Dover, New Hampshire: Manchester University Press, 1986. Pp. 171, $19.95.

In the first chapter the authors endeavor to distinguish between the general errors of reasoning in sentencing and unwarranted sentence variation. They adopt the view that the identification of general reasoning principles was the more fundamental research task—as it relates to the psychology of sentencing.

They then analyze the psychological process of the judicial mind, discussing the reasons or lack of reasons that judges give in sentencing. They discuss the lack of consensus in judgments of offense seriousness, mitigation, aggravation, and penal sanctions. In particular, they found, in seeking to scale mitigation effects, two quite different ways of thinking about the principle of progressive loss of mitigation (Chapter 8). They go on to conclude that mitigation is much more prominent in the literature than aggravation and is accorded formal status in court, where the defense has the right to make a plea in mitigation while the prosecution has no equivalent right (in England) to make a plan in aggravation.

Other sentencing differences between the practices of the English courts and the United States are evident throughout the text. The text is written for lawyers and criminal justice practitioners. It offers insights and raises a number of important questions regarding the psychology of judicial sentencing. Individuals whose work relates to sentencing should find this book intriguing.

Washington, D.C. SUSAN KRUP GRUNIN

Reports Received

The Developmentally Disabled Offender, The Prison Journal, 311 S. Juniper Street, Philadelphia, Pennsylvania 19107, Spring-Summer 1986. Pp. 92. The eight articles in this issue address the disadvantaged position, within the criminal justice system, of mentally retarded or otherwise developmentally disabled offenders.

911-Family Violence: Helping the Victim. By Janet Rosenberg, Ph.D., Ohio Department of Health in cooperation with the Federation for Community Planning, Cleveland, Ohio, 1986. Pp. 200. The text—which discusses child abuse, wife abuse, rape, and elderly abuse—was conceived as a comprehensive resource to assist those who deal with various types of family violence.

The Goals of Community Sanctions. By M. Kay Harris, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., June 1986. Pp. 27. Focusing on issues related to goals and philosophy, this monograph is designed to assist correctional policy makers, administrators and program managers in assessing existing community sanctions and in considering new programs, policies, and procedures.

Liability Issues in Community Service Sanctions. By Rolando V. del Carmen and Eve Trook-White, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., June 1986. Pp. 37. This is an update and revision of the 1982 publication *Potential Legal Liabilities of Probation and Parole Officers.*

The Magistrate, Volume 43, No. 8. Magistrates' Association, 28 Fitzroy Square, London, England, August 1986. Pp. 115-131.

Prison Versus Probation in California: Implications for Crime and Offender Recidivism. Joan Petersilia and Susan Turner (with Joyce Peterson), The Rand Corporation, 1700 Main Street, P.O. Box 2138, Santa Monica, California 90406-2138. Pp. 63. This report, which presents the findings and recommendations of the second phase of a Rand study funded by the National Institute of Justice, U.S. Department of Justice, examines the use of prison

and probation for felony offenders.

The Swedish Penal Code 1986. The National Swedish Council for Crime Prevention, Stockholm, Sweden, May 1986. Pp. 110. This is the text of the penal code as of April 1, 1986.

Books Received

Alternatives to Custody. Edited by John Pointing. New York: Basil Blackwell, 1986. Pp. 204. $39.95 (cloth); $14.95 (paper).

Criminal Careers and "Career Criminals," Volume 1. Edited by Alfred Blumstein, Jacqueline Cohen, Jeffrey A. Roth, and Christy A. Visher. Washington, D.C.: National Academy Press, 1986. Pp. 458. $34.95.

Juvenile Justice: A Guide to Practice and Theory (2nd edition). By Steven M. Cox and John J. Conrad. Dubuque, Iowa: Wm. C. Brown, Publishers. Pp. 330.

Treating Incest: A Multiple Systems Perspective. Edited by Terry S. Trepper and Mary Jo Barrett. New York: The Haworth Press. Pp. 126. $22.95.

Letters to the Editor

Alternatives to Incarceration

TO THE EDITOR:

Federal Probation is to be commended for its articles in the June 1986 issue concerning intensive probation supervision and in particular the article on house arrest.

Articles such as these are forcing probation departments (State and Federal) to re-examine their roles and use their imaginations in giving us judges alternatives to incarceration and institutionalization.

While I am convinced that there will never be total consensus or agreement among the professionals, among the general public, we must continue to seek more humane and effective forms of treatment for individuals that run afoul of the law.

September 23, 1986

ENRIQUE H. PENA
Judge
327th District Court
El Paso, Texas

It Has Come to Our Attention

The Southwestern Law Enforcement Institute, Dallas, Texas, will be sponsoring several programs of interest to persons in law enforcement fields. Upcoming programs include: "Command and Management School" (January 12-March 20, 1987), "Contemporary Issues: Police Leadership in America" (March 16-20, 1987), and "School of Police Supervision" (April 27-May 20, 1987). For more information, contact: Donald T. Shanahan, Director, Southwestern Law Enforcement Institute, P.O. Box 830707, Richardson, Texas 75083. The telephone number is (214) 690-2395.

The Council on Social Work Education, Washington, D.C., has selected St. Louis, Missouri as the site of its annual program meeting, March 8-11, 1987. According to James Mears, conference coordinator, the theme of this year's annual program will be "Educating for Social Responsibility" and will feature a number of nationally prominent educators and social work practitioners to discuss a wide range of current subjects in the field of social work. The program will examine and share new knowledge, applications, and developments, as well as reassess persistent concerns. Registration information can be obtained by writing Mears at the Council on Social Work Education, 1744 R Street, N.W., Washington, D.C. 20009.

The Academy of Criminal Justice Sciences will hold its annual meeting on March 15-19, 1987, in St. Louis. The theme of the conference will be "Normal Justice: Perspectives on Crime." For further information, write to: Lawrence F. Travis III, 1987 Program Chair, Academy of Criminal Justice ML 108, University of Cincinnati, Cincinnati, Ohio 45221; or call (513) 475-5827.

Eastern Kentucky University is sponsoring "Elder Abuse: Identification, Intervention, and Prevention." The conference will be held May 20-22, 1987 in Louisville, Kentucky. Inquiries should be directed to: Training Resource Center Project, Eastern Kentucky University, 202 Perkins Building, Richmond, Kentucky 40475-0951; (606) 622-1497.

Dr. C. R. Jeffery, Florida State University, recently reported that the layout and location of convenience stores influence how safe the stores are from robbers. This finding was based on Jeffery's study of 34 convenience stores in Tallahassee. Having cashiers located in the center of the store, good exterior lighting, and—surprisingly—a lack of family dwellings nearby were all factors that reduced a store's attractiveness to robbers. On the other hand, stores that were hit repeatedly often had only one clerk on duty and had windows obstructed by advertisements. For further information, contact Dr. Jeffery at Florida State University, Tallahassee, Florida 32306; telephone: (904) 644-4050.

The Minnesota Corrections Association has named **Morris Heilig** Corrections Person of the Year. Heiling—currently the Regional Director for the State Department of Corrections Community Services Division—is a 34-year veteran of the field of corrections in Minnesota. Correctional counselor awards went to **Paul Sisson** (Minnesota Correctional Facility—Stillwater), **Carol Buesgens** (Minnesota Correctional Facility—Shakopee), and **Paul Carlson** (Minnesota Correctional Facility—Lino Lakes).

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1. Sheldon and Eleanor T. Glueck, *500 Criminal Careers.* New York: Knopf Publishing Company, 1930, p. (or pp.).

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